

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2012 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/27	2/24	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163		SR36-2	Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161		SR36-2	Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162		SR36-2	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4139		SR36-2	Environmental Protection Fees (Drinking Water Fees)	1/31/12	Department of Health and Envir Control
4174		SR36-3	Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175		SR36-3	Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176		SR36-3	Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180		SR36-3	Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4191		SR36-5	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/12	Department of Natural Resources
4200	R.140	SR36-4	End-of-Course Tests	5/09/12	Board of Education
4189		SR36-5	Financing Applications	5/09/12	Public Service Commission
4206		SR36-5	Credential Classification	5/09/12	Board of Education
4207		SR36-5	Requirements for Additional Areas of Certification	5/09/12	Board of Education
4208	R.139	SR36-4	At-Risk Students	5/09/12	Board of Education
4205		SR36-5	Physical Fitness Services Center - Certificate of Authority	5/09/12	Department of Consumer Affairs
4216		SR36-5	Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	5/09/12	Board of Accountancy
4197		SR36-5	Access to Restricted Information	5/10/12	Department of Health and Envir Control
4181		SR36-5	Certification of Need for Health Facilities and Services	5/11/12	Department of Health and Envir Control
4199		SR36-6	Adult Education Program	5/12/12	Board of Education
4193		SR36-6	Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	5/16/12	Department of Health and Envir Control
4186		SR36-6	Soil Classifiers	5/24/12	LLR - Soil Classifiers Advisory Council
4217		SR36-6	Mixed Martial Arts	5/24/12	Athletic Commission
4256		SR36-6	Offers of Work	5/25/12	Department of Employment and Workforce
4212		SR36-6	Water Classifications and Standards; and Classified Waters	5/29/12	Department of Health and Envir Control
4257		SR36-6	Mortgage Lending	6/02/12	State Board of Financial Institutions - CFD
4223		SR36-6	Reinstatement and Continuing Professional Education	6/05/12	Board of Accountancy
4225		SR36-6	Requirements of Licensure in the Field of Barbering	6/05/12	Board of Barber Examiners
4228		SR36-6	Organization, Administration and Procedure	6/05/12	Board of Chiropractic Examiners
4229		SR36-6	Requirements of Licensure for Contractors	6/05/12	Contractors' Licensing Board
4230		SR36-6	Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	6/05/12	Board of Cosmetology
4232		SR36-6	Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	6/05/12	Board of Dentistry
4235		SR36-6	General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	6/05/12	Board of Funeral Service
4236		SR36-6	General Registration Provisions for Geologists-in-Training	6/05/12	Board of Registration for Geologists
4270		SR36-6	Special Inspectors	6/05/12	LLR - Office of Elevators and Amusement Rides
4238		SR36-6	Licensing and Permitting Fees; Licensing Requirements	6/05/12	LLR - Division of Labor
4240		SR36-6	Requirements of Licensure for Soil Classifiers	6/06/12	LLR - Soil Classifiers Advisory Council
4241		SR36-6	Requirements of Licensure for Landscape Architects	6/06/12	Board of Landscape Architectural Examiners
4242		SR36-6	Requirements of Licensure for Long Term Health Care Admin.	6/06/12	Board of Long Term Health Care Administrators
4244		SR36-6	Requirements of Licensure for Medical Professionals	6/06/12	Board of Medical Examiners
4271		SR36-6	Fees	6/06/12	Board of Medical Examiners
4246		SR36-6	Definitions; Licensure by Endorsement; and Fees	6/06/12	Occupational Therapy Board
4247		SR36-6	Requirements of Licensure for Opticians	6/06/12	Board of Examiners in Opticianry
4248		SR36-6	Requirements of Licensure for Physical Therapists	6/06/12	Board of Physical Therapy Examiners
4249		SR36-6	Requirements of Licensure for Pilots	6/06/12	Commissioners of Pilotage
4250		SR36-6	Requirements of Licensure for Podiatrists	6/06/12	Board of Podiatry Examiners
4251		SR36-6	Continuing Education Credits	6/06/12	Board of Examiners in Psychology
4273		SR36-6	Insurance Required for Time Sharing Facilities and Accommodations	6/06/12	Real Estate Commission
4274		SR36-6	Provider, Course, and Instructor Fees; Fees	6/06/12	Real Estate Commission
4275		SR36-6	Emergency License and Registration	6/06/12	Residential Builders Commission
4253		SR36-6	Requirements of Licensure for Social Workers	6/06/12	Board of Social Work Examiners
4254		SR36-6	Requirements of Licensure for Speech-Language Pathologists and Audiologists	6/06/12	Board of Examiners in Speech-Language Pathology and Audiology
4255		SR36-6	Requirements of Licensure for Veterinary Medical Professionals	6/06/12	Board of Veterinary Medical Examiners

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4272	SR36-6	Fees and APRNs	6/06/12	Board of Nursing
4234	SR36-6	Requirements of Licensure for Foresters	6/07/12	Board of Registration for Foresters
4233	SR36-6	Requirements of Licensure for Engineers and Surveyors	6/07/12	Board of Registration for Professional Engineers and Surveyors
4237		Definitions	Withdrawn	LLR - Panel for Dietetics
4261		Graduation Requirements	Withdrawn	Board of Education
4224		Requirements of Licensure in the Field of Architecture	Withdrawn	Board of Architectural Examiners
4258		Defined Program, Grades 9-12	Withdrawn	Board of Education
4226		Duties and Responsibilities of Department; Modular Buildings Construction	Withdrawn	Building Codes Council
4269		Requirements of Licensure for Funeral Service Providers	Withdrawn	Board of Funeral Service
4231		Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Withdrawn	Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4268		Fees	Withdrawn	Board of Funeral Service
4243		Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Withdrawn	Manufactured Housing Board
4260		Preneed Funeral Contracts	Withdrawn	Department of Consumer Affairs
4279		Administrative Citations and Penalties	Withdrawn	Board of Cosmetology
4265		Fees	Withdrawn	Board of Barber Examiners
4284		Limited Herbicide Applicators License	Withdrawn	Clemson University-State Crop Pest Comm.
4286		Mediation	Withdrawn	Workers' Compensation Commission

Committee Request Assessment Report

4132		Environmental Protection Fees (Radioactive Material Licenses Fees)	Withdrawn	Department of Health and Envir Control
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4164		Child Labor	Withdrawn	Division of Labor
4183		International Residential Code	Withdrawn	LLR-Building Codes Council
4184		Update of International and National Codes	Withdrawn	LLR-Building Codes Council
4168		Perpetual Care Cemetery Board	Withdrawn	SC Perpetual Care Cemetery Board
4227		Requirements of Licensure for Perpetual Care Cemeteries	Withdrawn	Perpetual Care Cemetery Board
4252		Residential Specialty Contractors License	Withdrawn	Residential Builders Commission
4267		Emergency Licensure	Withdrawn	Contractors' Licensing Board
4264		Duplicate Wall or Pocket Card License	Withdrawn	Auctioneers' Commission
4187		Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	Withdrawn	LLR - OSHA

Agency Request Withdrawal

4182		Licensure for the Savannah River	Withdrawn	Commissioners of Pilotage
4222		Communications Services	Withdrawn	Department of Revenue

Resolution Introduced to Disapprove

4126		South Carolina Pesticide Control (R.27-1079 only)	Withdrawn	Clemson University-State Crop Pest Comm.
4218		Board of Cosmetology	Withdrawn	Board of Cosmetology
4278		Examinations; Reexaminations	Withdrawn	Board of Cosmetology
4198		Accreditation Criteria	Withdrawn	Board of Education

Permanently Withdrawn

4179		Electronic Equipment Collection and Recovery		Department of Health and Envir Control
4245		Procedure for Disciplinary Hearings; Fees		Board of Nursing
4188		Maximum Allowable Payments to Medical Practitioners		Workers' Compensation Commission
4262		Fees		Athletic Commission
4201		Gifted and Talented		Board of Education
4239		Qualification for Licensure		LLR - Massage/Bodywork Therapy Panel
4263		Reporting of Continuing Education		Auctioneers' Commission

****Withdrawn due to end of two-year session**

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

In order by General Assembly review expiration date
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DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4191	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4200	End-of-Course Tests	Education and Public Works	Education
4189	Financing Applications	Labor, Commerce and Industry	Judiciary
4206	Credential Classification	Education and Public Works	Education
4207	Requirements for Additional Areas of Certification	Education and Public Works	Education
4208	At-Risk Students	Education and Public Works	Education
4205	Physical Fitness Services Center - Certificate of Authority	Medical, Military, Pub & Mun Affairs	Medical Affairs
4216	Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	Labor, Commerce and Industry	Labor, Commerce and Industry
4197	Access to Restricted Information	Judiciary	Judiciary
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4199	Adult Education Program	Education and Public Works	Education
4193	Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	Agriculture and Natural Resources	Agriculture and Natural Resources
4186	Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4217	Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4256	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4212	Water Classifications and Standards; and Classified Waters	Agriculture and Natural Resources	Agriculture and Natural Resources
4257	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4223	Reinstatement and Continuing Professional Education	Labor, Commerce and Industry	Labor, Commerce and Industry
4225	Requirements of Licensure in the Field of Barbering	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4228	Organization, Administration and Procedure	Medical, Military, Pub & Mun Affairs	Medical Affairs
4229	Requirements of Licensure for Contractors	Labor, Commerce and Industry	Labor, Commerce and Industry
4230	Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4232	Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	Medical, Military, Pub & Mun Affairs	Medical Affairs
4235	General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4236	General Registration Provisions for Geologists-in-Training	Agriculture and Natural Resources	Labor, Commerce and Industry
4270	Special Inspectors	Labor, Commerce and Industry	Labor, Commerce and Industry
4238	Licensing and Permitting Fees; Licensing Requirements	Labor, Commerce and Industry	Labor, Commerce and Industry
4240	Requirements of Licensure for Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4241	Requirements of Licensure for Landscape Architects	Labor, Commerce and Industry	Labor, Commerce and Industry
4242	Requirements of Licensure for Long Term Health Care Admin.	Medical, Military, Pub & Mun Affairs	Medical Affairs
4244	Requirements of Licensure for Medical Professionals	Medical, Military, Pub & Mun Affairs	Medical Affairs
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4275	Emergency License and Registration	Labor, Commerce and Industry	Labor, Commerce and Industry
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4254	Requirements of Licensure for Speech-Language Pathologists and Audiologists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4255	Requirements of Licensure for Veterinary Medical Professionals	Agriculture and Natural Resources	Agriculture and Natural Resources
4276	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4272	Fees and APRNs	Medical, Military, Pub & Mun Affairs	Medical Affairs
4234	Requirements of Licensure for Foresters	Agriculture and Natural Resources	Fish, Game and Forestry

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4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4261	Graduation Requirements	Education and Public Works	Education
4224	Requirements of Licensure in the Field of Architecture	Labor, Commerce and Industry	Labor, Commerce and Industry
4258	Defined Program, Grades 9-12	Education and Public Works	Education
4226	Duties and Responsibilities of Department; Modular Buildings Construction	Labor, Commerce and Industry	Labor, Commerce and Industry
4269	Requirements of Licensure for Funeral Service Providers	Labor, Commerce and Industry	Labor, Commerce and Industry
4231	Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4268	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4260	Preneed Funeral Contracts	Labor, Commerce and Industry	Judiciary
4279	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4265	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4286	Mediation	Labor, Commerce and Industry	Judiciary

Committee Request Assessment Report

4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
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Committee Request Withdrawal

4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4227	Requirements of Licensure for Perpetual Care Cemeteries	Labor, Commerce and Industry	Labor, Commerce and Industry
4252	Residential Specialty Contractors License	Labor, Commerce and Industry	Labor, Commerce and Industry
4267	Emergency Licensure	Labor, Commerce and Industry	Labor, Commerce and Industry
4264	Duplicate Wall or Pocket Card License; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4187	Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	Judiciary	Labor, Commerce and Industry

Agency Request Withdrawal

4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
4222	Communications Services	Ways and Means	Finance

Resolution Introduced to Disapprove

4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources
4218	Board of Cosmetology	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4278	Examinations; Reexaminations	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4198	Accreditation Criteria	Education and Public Works	Education

Permanently Withdrawn

4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs
4245	Procedure for Disciplinary Hearings; Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4188	Maximum Allowable Payments to Medical Practitioners	Labor, Commerce and Industry	Judiciary
4262	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4201	Gifted and Talented	Education and Public Works	Education
4239	Qualification for Licensure	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4263	Reporting of Continuing Education	Labor, Commerce and Industry	Labor, Commerce and Industry

BOARD OF CHIROPRACTIC EXAMINERS**ERRATA**

Document No. 4282, Requirements of Licensure for Chiropractors, was published in the February 24, 2012 *State Register* on page 18. The Notice of Public Hearing scheduled for 1:00 p.m. on April 5, 2012, was rescheduled for 9:00 a.m. on May 16, 2012, by Errata published in the April 27, 2012 *State Register* on page 9. The Notice of Public Hearing scheduled for 9:00 a.m. on May 16, 2012, is rescheduled for 10:00 a.m. on August 9, 2012, before the Administrative Law Court, 1205 Pendleton Street, Suite 224, Columbia, SC 29201.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication June 22, 2012, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Laurens County

Renovation of existing space for the replacement of an eight (8)-slice CT scanner, with a fixed one hundred twenty-eight (128)-slice CT scanner, to be located in the Radiology Department
Laurens County Health Care System
Clinton, South Carolina
Project Cost: \$1,488,414

Affecting Pickens County

Addition of sixteen (16) community nursing home beds, which will not participate in the Medicaid (Title XIX) Program, for a total of sixty (60) community nursing home beds
EmeriCare Countryside Village LLC d/b/a Emeritus at Countryside Health Care Center
Easley, South Carolina
Project Cost: \$1,875,500

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from June 22, 2012. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

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Affecting Aiken County

Addition of three (3) psychiatric beds for a total of forty-four (44) psychiatric beds, to be located at the Aurora Pavilion
Aiken Regional Medical Center
Aiken, South Carolina
Project Cost: \$16,210

Affecting Charleston County

Consolidation of diagnostic services (including MRI, CT, and Bone Density testing) from three existing locations to a new diagnostic center in James Island. The site is adjacent to the Roper Hospital Ambulatory Surgery & Pain Management- James Island Ambulatory Surgical Facility
Roper Hospital Diagnostics- James Island
Charleston, South Carolina
Project Cost: \$5,855,776

Affecting Dorchester County

Purchase and installation of a da Vinci Si Surgical System to be located in the surgical services department
Trident Medical Center, LLC d/b/a Summerville Medical Center
Summerville, South Carolina
Project Cost: \$2,188,150

Affecting Pickens County

Construction and renovation for the addition of a sixty-four (64)-slice CT scanner, to be located on the first floor within the current Radiology Department
Baptist Easley Hospital
Easley, South Carolina
Project Cost: \$1,312,463

Affecting Spartanburg County

Addition of a third da Vinci Robotic Surgical System to be located in the surgical suite of Spartanburg Regional Medical Center
Spartanburg Regional Medical Center
Spartanburg, South Carolina
Project Cost: \$2,077,600

Affecting Spartanburg County

Addition of thirty-two (32) nursing home beds which will not participate in the Medicaid (Title XIX) Program for a total of one hundred twenty (120) nursing home beds
THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Magnolia Place at Spartanburg
Spartanburg, South Carolina
Project Cost: \$2,886,247

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

South Carolina Department of Health and Environmental Control vs. Horton Sales Development Corp., et al.,
Civil Action No. 6:11cv1657-HMH

DHEC-Bureau of Land and Waste Management, File #56198
Horton Sales Development Corporation—Piedmont Site

NOTICE OF: SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Settlement Agreement (Agreement) with the following Settling Defendants in the amount of \$1,250,000:

- **GREIF, INC.**
- **KMI CONTINENTAL FIBRE DRUM, INC.**
- **SONOCO PLASTIC DRUM, INC.**
- **CLARIANT CORPORATION**
- **CIBA HOLDING AG, N/K/A BASF CORPORATION**

Upon approval by the Court, the Agreement shall be entered as a final judgment against the Settling Defendants. The Agreement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (2002, as amended).

The Agreement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the former Horton Sales Development Corporation—Piedmont Site located in Greenville County, at 1870 Piedmont Highway, Piedmont, South Carolina. In consideration of the foregoing, the Agreement provides for a release of the Settling Defendants from further liability and confers contribution protection to each Settling Defendant pursuant to CERCLA 42 U.S.C. § 9613.

This Notice of Settlement, Contribution Protection and Comment Period will be provided to potentially responsible parties via email or alternatively via US mail. The Agreement is available:

- (1) On-line at http://www.dhec.sc.gov/environment/lwm/public_notice.asp; or
- (2) By contacting Pat Vincent at 803-896-4074 or vincenpl@dhec.sc.gov.

Any comments to the Agreement must be submitted in writing, postmarked no later than **July 23, 2012**, and addressed to: Pat Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201. The Agreements will be filed with the Court for approval.

UPON APPROVAL AND ENTRY OF THE AGREEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST SETTLING DEFENDANTS SEEKING CONTRIBUTION PROTECTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina State Health Planning Committee will hold public hearings on the Draft 2012-2013 South Carolina Health Plan at the following times and locations:

Monday, July 23, 2012, 11:00 a.m. until 12:00 noon, Florence Health Department Auditorium, 145 East Cheves Street, Florence, South Carolina;

Tuesday, July 24, 2012, 11:00 a.m. until 12:00 noon, City of North Charleston Council Chambers, 2500 City Hall Lane, North Charleston, South Carolina;

Wednesday, July 25, 2012, 11:00 a.m. until 12:00 noon, Spartanburg County Council Chambers, 366 North Church Street, Spartanburg, South Carolina.

Friday, July 27, 2012, 11:00 a.m. until 12:00 noon, first floor conference room of the Heritage Building, 1777 St. Julian Place, Columbia, South Carolina;

The State Health Planning Committee is soliciting comments on the Draft 2012-2013 South Carolina Health Plan and prefers to receive these comments in writing so all members of the State Health Planning Committee can review them.

Written comments will be received through Friday, July 27, 2012. The Plan will be available for public review at the South Carolina Department of Health and Environmental Control, 1777 St. Julian Place, Suite 201, Columbia, SC, the State Library, 1500 Senate Street, Columbia, SC and all State Depository Libraries. The Plan will also be accessible on the website of the S.C. Department of Health and Environmental Control: <http://www.scdhec.net/>

Comments on the Draft Plan may be presented at the public hearings or submitted to the S.C. State Health Planning Committee, S.C. Department of Health and Environmental Control, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 through July 27, 2012. The FAX number is 803-545-4579. For additional information, call (803) 545-4200.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish

to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than July 23, 2012 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Cameron-Cole, LLC.
Attn: John Bondurant
200 E. Government St, Ste 100
Pensacola, FL 32502

S R & R Environmental, Inc.
Attn: Joseph B. Lee, III, P.E.
PO Box 221
Wilmington, NC 28402

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

June 22, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the regulations pertaining to 61-62.96 and 61-62.99. These corrections do not create new regulatory requirements, the corrections are nonsubstantive, do not change the legal meaning, and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

R.61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program

State Register Doc. 4122, May 28, 2010

At R.61-62.96, Subpart AA, in the introductory text, strike the word "Title" and the comma after "96," and make the word "subpart" uppercase for consistency. Reformat the words "Federal Register" throughout the text to remove italics per regulation drafting guidelines. Make the word "subpart" uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart AA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 96 Subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

At R.61-62.96, Subpart BB, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96, Subpart CC, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96, Subpart EE, Section 141(a), reformat the comma following “2007” to make the comma not bold for consistency. Correct the paragraph to make the word “section” uppercase for consistency to read:

(a) By April 30, 2007, the Department will submit to the Administrator the CAIR NO_x allowance allocations, in a format prescribed by the Administrator and in accordance with Section 96.142(a) and (b), for the control periods in 2009, 2010, 2011, and 2012.

At R.61-62.96, Subpart EE, Section 141(b), correct the paragraph to make the word “section” uppercase for consistency. Correct the paragraph to make the word “section” plural for grammatical correctness. Add a serial comma after “sixth” for consistency to read:

(b) By October 31, 2009 and October 31 of every fourth year thereafter, the Department will submit to the Administrator the CAIR NO_x allowance allocations, in a format prescribed by the Administrator and in accordance with Sections 96.142(a) and (b), for the control periods in the fourth, fifth, sixth, and seventh years after the year of the applicable deadline for submission under this paragraph.

At R.61-62.96, Subpart EE, Section 141(c), correct the paragraph to make the word “section” uppercase for consistency to read:

(c) By October 31, 2009, and October 31 of each year thereafter, the Department will submit to the Administrator the CAIR NO_x allowance allocations for new units from the new unit set-aside account, in a format prescribed by the Administrator and in accordance with Section 96.142(a), (c), and (d) for the control period in the year of the applicable deadline for submission under this paragraph.

At R.61-62.96, Subpart EE, Section 142(a)(1)(ii), correct the paragraph to make the word “section” uppercase for consistency. Add a serial comma after the word “seven” for consistency to read:

(ii) For a CAIR NO_x allowance allocation under Section 96.141(b), the allowances will be determined using the unit’s baseline heat input equal to the unit’s single highest adjusted control period heat input for the years that are five, six, seven, and eight years before the first year of the control periods for which the CAIR NO_x annual allowance allocation is being calculated with the adjusted control period heat input for each year calculated as follows:

At R.61-62.96, Subpart EE, Section 142(a)(2), strike the word “Part” throughout for consistency to read:

(2) A unit’s control period heat input, and a unit’s status as coal-fired, for a calendar year under paragraph (a)(1)(i) of this section, and a unit’s total tons of NO_x emissions during a calendar year under paragraph (c)(3) of this section, will be determined in accordance with 40 CFR 75, to the extent the unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR 75 for the year. Heat input data under 40 CFR 75 will be obtained from the Administrator.

At R.61-62.96, Subpart EE, Section 142(b)(1), correct the paragraph to make the word “section” in the reference “section 96.140” uppercase for consistency to read:

(b)(1) For each control period in 2009 and thereafter, the Department will allocate to all CAIR NO_x units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of CAIR NO_x allowances equal 97 percent for a control of the tons of NO_x emissions in the State trading budget under Section 96.140 (except as provided in paragraph (d) of this section).

At R.61-62.96, Subpart EE, Section 142(c)(1), correct the paragraph to make the word “section” uppercase for consistency. Replace the numeral “3” with the word “three” for consistency to read:

(1) The Department will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO_x allowances equal three percent for a control period of the amount of tons of NO_x emissions in the State trading budget under Section 96.140.

At R.61-62.96, Subpart EE, Section 142(c)(3), correct the paragraph to make the word “subpart” uppercase for consistency to read:

(3) In a CAIR NO_x allowance allocation request under paragraph (c)(2) of this section, the CAIR designated representative may request for a control period CAIR NO_x allowances in an amount not exceeding the CAIR NO_x unit’s total tons of NO_x emissions during the calendar year immediately before such control period in accordance with Subpart HH of this regulation.

At R.61-62.96.142(d), correct the paragraph to make the word “section” uppercase for consistency to read:

(d) If, after completion of the procedures under paragraph (c)(4) of this section for a control period, any unallocated CAIR NO_x allowances remain in the new unit set-aside for the control period, the Department will

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allocate to each CAIR NO_x unit that was allocated CAIR NO_x allowances under paragraph (b) of this section an amount of CAIR NO_x allowances equal to the total amount of such remaining unallocated CAIR NO_x allowances, multiplied by the unit's allocation under paragraph (b) of this section, divided 97 percent for a control period the amount of tons of NO_x emissions in the State trading budget under Section 96.140, and rounded to the nearest whole allowance as appropriate.

At R.61-62.96.143(a), correct the paragraph to make the word “section” uppercase for consistency to read:

(a) In addition to the CAIR NO_x allowances allocated under Section 96.142, the Department may allocate for the control period in 2009 up to 2,600 tons of CAIR NO_x allowances to CAIR NO_x units in the State. These allowances are referred to as the Compliance Supplement Pool.

At R.61-62.96.143(b), correct the paragraph to make the words “State” and “Federal” lowercase for consistency to read:

(b) For any CAIR NO_x unit in the State that achieves NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, the CAIR designated representative of the unit may request early reduction credits, and allocation of CAIR NO_x allowances from the compliance supplement pool under paragraph (a) of this section for such early reduction credits, in accordance with the following:

At R.61-62.96.143(b)(2), correct the paragraph to make the words “State” and “Federal” lowercase and make the word “subpart” uppercase for consistency to read:

(2) The CAIR designated representative of such CAIR NO_x unit shall submit to the Department by May 1, 2009, a request, in a format specified by the Department, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the sum of the amounts (in tons) of the unit's NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, determined in accordance with Part 96 Subpart HH of this regulation.

At R.61-62.96, Subpart FF, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart FF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart FF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96.153(a), correct the paragraph to make the word “section” uppercase for consistency to read:

(a) By September 30, 2007, the Administrator will record in the CAIR NO_x source's compliance account the CAIR NO_x allowances allocated for the CAIR NO_x units at the source, as submitted by the permitting authority in accordance with Section 96.141(a), for the control periods in 2009, 2010, 2011, and 2012.

At R.61-62.96.153(b), correct the paragraph to make the word “section” uppercase for consistency to read:

(b) By December 1, 2009, the Administrator will record in the CAIR NO_x source’s compliance account the CAIR NO_x allowances allocated for the CAIR NO_x units at the source, as submitted by the permitting authority in accordance with Section 96.141(b), for the control period in 2013, 2014, 2015, and 2016.

At R.61-62.96.153(c), correct the paragraph to make the word “section” uppercase for consistency to read:

(c) By December 1, 2013, and December 1 of each year thereafter, the Administrator will record in the CAIR NO_x source’s compliance account the CAIR NO_x allowances allocated for the CAIR NO_x units at the source, as submitted by the permitting authority in accordance with Section 96.141(b), for the control period in the fourth, fifth, sixth, and seventh years after the year of the applicable deadline for recordation under this paragraph.

At R.61-62.96, Subpart GG, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At R.61-62.96, Subpart HH, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart HH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart HH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At R.61-62.96, Subpart II, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart II, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 96 Subpart II			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At **R.61-62.96, Subpart AAA**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart AAA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart AAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

At **R.61-62.96, Subpart BBB**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart BBB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart BBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At **R.61-62.96, Subpart CCC**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart CCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart CCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At R.61-62.96, Subpart FFF, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart FFF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart FFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96, Subpart GGG, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart GGG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At R.61-62.96, Subpart HHH, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart HHH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart HHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96, Subpart III, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 96 Subpart III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At **R.61-62.96, Subpart AAAA**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart AAAA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

At **R.61-62.96.302 “commence commercial operation” (a)(1)**, correct the paragraph to make the word “section” uppercase throughout for consistency to read:

(1) To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in Section 96.305 and Section 96.384(h).

At **R.61-62.96.302 “commence commercial operation” (a)(1)(i)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(i) For a unit that is a CAIR NO_x Ozone Season unit under Section 96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

At **R.61-62.96.302 “commence commercial operation” (a)(1)(ii)**, correct the paragraph to make the word “section” uppercase throughout for consistency. Replace the abbreviation “e.g.” which stands for the phrase “for example” with the phrase “for example,” in order to provide clarity to read:

(ii) For a unit that is a CAIR NO_x Ozone Season unit under Section 96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition and that is subsequently replaced by a unit at the same source (for example, repowered), such date shall remain the replaced unit’s date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (1) or (2) of this definition as appropriate.

At R.61-62.96.302 “commence commercial operation” (a)(2), correct the paragraph to make the word “section” uppercase throughout for consistency to read:

(2) Notwithstanding paragraph (1) of this definition and except as provided in Section 96.305, for a unit that is not a CAIR NO_x Ozone Season unit under Section 96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition, the unit’s date for commencement of commercial operation shall be the date on which the unit becomes a CAIR NO_x Ozone Season unit under Section 96.304.

At R.61-62.96.302 “Electric Generating Unit,” correct the paragraph to make the word “section” uppercase for consistency. Add a serial comma after “(a)(2)” for consistency to read:

“Electric Generating Unit” or “EGU” – any unit subject to this regulation as specified in Section 96.304 (a)(1)(i), (a)(2), and (b).

At R.61-62.96.302 “Non-Electric Generating Unit,” correct the paragraph to make the word “section” uppercase for consistency to read:

“Non-Electric Generating Unit” or “Non-EGU” – any unit subject to this regulation as specified in Section 96.304 (a)(1)(ii).

At R.61-62.96.302 “commence operation” (b), correct the paragraph to make the words “subpart” and the word “section” uppercase throughout for consistency. Strike the word “Part” throughout for consistency to read:

(b) Notwithstanding paragraph (a) of this definition and solely for purposes of 40 CFR 96, Subpart HHHH, for a unit that is not a CAIR NO_x Ozone Season unit under Section 96.304(a)(1)(ii) on the later of November 15, 1990, or the date the unit commences operation as defined in paragraph (a)(1), (2), or (3) of this definition and that subsequently becomes such a CAIR NO_x Ozone Season unit, the unit’s date of commencement of operation shall be the date on which the unit becomes a CAIR NO_x Ozone Season unit under Section 96.304(a)(1)(ii).

At R.61-62.96.302 “unit” (a), correct the paragraph to make the word “section” uppercase for consistency to read:

“Unit” - (a) For a unit subject to Section 96.304 (a)(1)(i), (a)(2), or (b), “unit” means a stationary, fossil-fuel-fired boiler or combustion turbine or other stationary, fossil-fuel-fired combustion device.

At R.61-62.96.302 “unit” (b), correct the paragraph to make the word “section” uppercase for consistency to read:

(b) For a unit subject to Section 96.304 (a)(1)(ii), “unit” means a fossil-fuel-fired stationary boiler, combustion turbine, or combined cycle system.

At R.61-62.96.304(a)(1), correct the paragraph to make the word “subparts” uppercase for consistency to read:

(1) The following units in the State shall be CAIR NO_x Ozone Season units, and any source that includes one or more such units shall be a CAIR NO_x Ozone Season source, subject to the requirements of this subpart and Subparts BBBB through HHHH of this part:

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At **R.61-62.96.304(b)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(b) This section applies only to units that are subject to Section 96.304(a)(1)(i) or (a)(2). The units in a state that meet the requirements set forth in paragraph (b)(1)(i), (b)(2)(i), or (b)(2)(ii) of this section shall not be CAIR NO_x Ozone Season units:

At **R.61-62.96, Subpart BBBB**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart BBBB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart BBBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At **R.61-62.96, Subpart CCCC**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At **R.61-62.96.341(a)(1)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(1) By April 30, 2007, the Department will submit to the Administrator the CAIR NO_x Ozone Season allowance allocations, in a format prescribed by the Administrator and in accordance with Section 96.342(a) and (b), for the control periods in 2009, 2010, 2011, and 2012.

At **R.61-62.96.341(a)(2)**, correct the paragraph to make the word “section” uppercase for consistency. Add a serial comma after “sixth” for consistency to read:

(2) By October 31, 2009, and October 31 of every fourth year thereafter, the Department will submit to the Administrator the CAIR NO_x Ozone Season allowance allocations, in a format prescribed by the Administrator and in accordance with Section 96.342(a) and (b), for the control periods in the fourth, fifth, sixth, and seventh years after the year of the applicable deadline for submission under this paragraph.

At **R.61-62.96.341(a)(3)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(3) By July 31, 2009, and July 31 of each year thereafter, the Department will submit to the Administrator the CAIR NO_x Ozone Season allowance allocations for the new unit set-aside, in a format prescribed by the

Administrator and in accordance with Section 96.342(c) for the control period in the year of the applicable deadline for submission under this paragraph.

At R.61-62.96.341(b)(1)(ii), correct the paragraph to make the word “section” uppercase for consistency to read:

(ii) The CAIR NO_x Ozone Season allowance allocations for 2009, 2010, and 2011 will be determined in accordance with Section 96.342(e).

At R.61-62.96.341(b)(1)(iii), correct the paragraph to make the word “section” uppercase for consistency to read:

(iii) The CAIR NO_x Ozone Season allowance allocations for 2012 will be determined in accordance with Section 96.342(e).

At R.61-62.96.341(b)(2), correct the paragraph to make the word “section” uppercase for consistency. Correct the paragraph to make the word “section” plural for grammatical correctness to read:

(2) By October 31, 2009, and October 31 of every fourth year thereafter, the Department will submit to the Administrator the CAIR NO_x Ozone Season allowance allocations, in a format prescribed by the Administrator and in accordance with Sections 96.342(e) and (f), for the control periods in the fourth, fifth, sixth and seventh years after the year of the applicable deadline for submission under this paragraph.

At R.61-62.96.341(b)(3), correct the paragraph to make the word “section” uppercase for consistency to read:

(3) By July 31, 2009, and July 31 of each year thereafter, the Department will submit to the Administrator the CAIR NO_x Ozone Season new unit set-aside allowance allocations, in a format prescribed by the Administrator and in accordance with Section 96.342 (g) for the control period in the year of the applicable deadline for submission under this paragraph.

At R.61-62.96.342(a)(1), correct the paragraph to make the word “section” uppercase for consistency to read:

(a)(1) The baseline heat input (in mmBtu) used with respect to CAIR NO_x Ozone Season allowance allocations for EGUs for each CAIR NO_x Ozone Season unit under Section 96.341(a) will be:

At R.61-62.96.342(a)(1)(ii), correct the paragraph to make the word “section” uppercase for consistency. Add a serial comma after “seven” for consistency to read:

(ii) For a CAIR NO_x Ozone Season allowance allocation under Section 96.341(a)(2), the allowances will be determined using the unit’s baseline heat input equal to the unit’s single highest adjusted control period heat input for the years that are five, six, seven, and eight years before the first year of the control period for which the CAIR NO_x Ozone Season allowance allocation is being calculated with the adjusted control period heat input for each year calculated as follows:

At R.61-62.96.342(a)(2), strike the word “Part” throughout for consistency to read:

(2) A unit’s control period heat input, and a unit’s status as coal-fired, for a calendar year under paragraph (a)(1)(i) of this section, and a unit’s total tons of NO_x emissions during a control period in a calendar year under paragraph (c)(3) of this section, will be determined in accordance with 40 CFR 75, to the extent the unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR 75 for the year. Heat input data under 40 CFR 75 will be obtained from the Administrator.

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At R.61-62.96.342(b), correct the paragraph to make the word “section” uppercase for consistency to read:

(b)(1) For each control period in 2009 and thereafter, the Department will allocate to all CAIR NO_x Ozone Season units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of CAIR NO_x Ozone Season allowances equal to 97 percent of the tons of NO_x emissions in the State EGU trading budget for a control period under Section 96.340 (except as provided in paragraph (d) of this section).

At R.61-62.96.342(c)(1), correct the paragraph to make the word “section” uppercase for consistency to read:

(1) The Department will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO_x Ozone Season allowances equal to 3 percent for a control period of the amount of tons of NO_x emissions in the State EGU trading budget under Section 96.340(a).

At R.61-62.96.342(c)(3), correct the paragraph to make the word “subpart” uppercase for consistency to read:

(3) In a CAIR NO_x Ozone Season allowance allocation request under paragraph (c)(2) of this section, the CAIR designated representative may request for a control period CAIR NO_x Ozone Season allowances in an amount not exceeding the CAIR NO_x Ozone Season unit’s total tons of NO_x emissions, in accordance with Subpart HHHH of this regulation, during the control period immediately before such control period.

At R.61-62.96.342(d), correct the paragraph to make the word “section” uppercase for consistency to read:

(d) If, after completion of the procedures under paragraph (c)(4) of this section for a control period, any unallocated CAIR NO_x Ozone Season allowances remain in the new unit set-aside for the control period, the Department will allocate to each CAIR NO_x Ozone Season unit that was allocated CAIR NO_x Ozone Season allowances under paragraph (b) of this section an amount of CAIR NO_x Ozone Season allowances equal to the total amount of such remaining unallocated CAIR NO_x Ozone Season allowances, multiplied by the unit’s allocation under paragraph (b) of this section, divided by 97 percent for a control period of the amount of tons of NO_x emissions in the State EGU trading budget under Section 96.340, and rounded to the nearest whole allowance as appropriate.

At R.61-62.96.342(e), correct the paragraph to make the word “section” uppercase for consistency to read:

(e) The baseline heat input (in mmBtu) used with respect to CAIR NO_x Ozone Season allowance allocations for non-EGUs for each CAIR NO_x Ozone Season unit under Section 96.341(b) will be:

At R.61-62.96.342(e)(1), correct the paragraph to make the word “section” uppercase for consistency to read:

(1) For a CAIR NO_x Ozone Season allowance allocation under Section 96.341(b)(1), the allowances will be determined as follows:

At R.61-62.96.342(e)(2), correct the paragraph to make the word “section” uppercase for consistency. Add a serial comma after “seven” to read:

(2) For a CAIR NO_x Ozone Season allowance allocation under Section 96.341(b)(2), the allowances will be determined using the unit’s baseline heat input equal to the unit’s single highest adjusted control period heat input for the years that are five, six, seven, and eight years before the first year of the control periods for which the CAIR NO_x Ozone Season allowance allocation is being calculated.

At R.61-62.96.342(e)(3), strike the word “Part” throughout for consistency to read:

(3) The unit’s total heat input for the control period in each year specified under paragraph (e) will be determined in accordance with 40 CFR 75 to the extent the unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR 75 for the year. Heat input data under 40 CFR 75 will be obtained from the Administrator.

At R.61-62.96.342(f)(1), correct the paragraph to make the word “section” uppercase for consistency to read:

(f)(1) For each control period in 2009 and thereafter, the Department will allocate to all CAIR NO_x Ozone Season units in the State that have a baseline heat input (as determined under paragraph (e) of this section) a total amount of CAIR NO_x Ozone Season allowances equal to 97 percent for a control period of the tons of NO_x emissions in the State Non-EGU trading budget under Section 96.340(b).

At R.61-62.96.342(g)(3), correct the paragraph to make the word “subpart” uppercase for consistency to read:

(3) In a CAIR NO_x Ozone Season allowance allocation request under paragraph (g)(2) of this section, the CAIR designated representative may request for a control period CAIR NO_x Ozone Season allowances in an amount not exceeding the CAIR NO_x Ozone Season unit’s total tons of NO_x emissions, in accordance with Subpart HHHH of this regulation, during the control period immediately before such control period.

At R.61-62.96.342(h), correct the paragraph to make the word “section” uppercase for consistency to read:

(h) If, after completion of the procedures under paragraph (g)(4) of this section for a control period, any unallocated CAIR NO_x Ozone Season allowances remain in the new unit set-aside for the control period, the Department will allocate to each CAIR NO_x Ozone Season unit that was allocated CAIR NO_x Ozone Season allowances under paragraph (f) of this section an amount of CAIR NO_x Ozone Season allowances equal to the total amount of such remaining unallocated CAIR NO_x Ozone Season allowances, multiplied by the unit’s allocation under paragraph (f) of this section, divided by 97 percent for a control period of the amount of tons of NO_x emissions in the State Non-EGU trading budget under Section 96.340(b), and rounded to the nearest whole allowance as appropriate.

At R.61-62.96, Subpart FFFF, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart FFFF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At R.61-62.96.353(a), correct the paragraph to make the word “section” uppercase for consistency to read:

(a) By September 30, 2007, the Administrator will record in the CAIR NO_x Ozone Season source’s compliance account the CAIR NO_x Ozone Season allowances allocated for the CAIR NO_x Ozone Season

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units at the source, as submitted by the permitting authority in accordance with Section 96.341(a)(1) and (b)(1), for the control periods in 2009, 2010, 2011, and 2012.

At R.61-62.96.353(b), correct the paragraph to make the word “section” uppercase for consistency to read:

(b) By December 1, 2009, the Administrator will record in the CAIR NO_x Ozone Season source’s compliance account the CAIR NO_x Ozone Season allowances allocated for the CAIR NO_x Ozone Season units at the source, as submitted by the permitting authority in accordance with Section 96.341(a)(2) and (b)(2), for the control period in 2013, 2014, 2015, and 2016.

At R.61-62.96.353(c), correct the paragraph to make the word “section” uppercase for consistency to read:

(c) By December 1, 2010 and December 1 of each fourth year thereafter, the Administrator will record in the CAIR NO_x Ozone Season source’s compliance account the CAIR NO_x Ozone Season allowances allocated for the CAIR NO_x Ozone Season units at the source, as submitted by the permitting authority in accordance with Section 96.341(b), for the control period in the sixth year after the year of the applicable deadline for recordation under this paragraph.

At R.61-62.96.353(d), correct the paragraph to make the word “section” uppercase for consistency. Correct the paragraph to make the word “section” plural for grammatical correctness to read:

(d) By September 1, 2009, and September 1 of each year thereafter, the Administrator will record in the CAIR NO_x Ozone Season source’s compliance account the CAIR NO_x Ozone Season allowances allocated for the CAIR NO_x Ozone Season units at the source, as submitted by the permitting authority in accordance with Sections 96.341(a)(3) and (b)(3), for the control period in the year of the applicable deadline for recordation under this paragraph.

At R.61-62.96, Subpart GGGG, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart GGGG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]

At R.61-62.96, Subpart HHHH, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart HHHH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

At **R.61-62.96, Subpart III**, in the introductory text, strike the word “Title” and the comma after “96,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 96 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 Subpart III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

R.61-62.99, Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not in the Trading Program

State Register Doc. 2593, May 24, 2002

At **R.61-62 Section 99.42(j)**, add an “s” to the word “utilize” for grammatical correctness to read:

(j) “Precalciner kiln” means a kiln where the feed to the kiln system is preheated in cyclone chambers and utilizes a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.

At **R.61-62 Section 99.43(a)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(a) For the control period that begins on May 31, 2004, an owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 31 through September 30 unless the kiln has installed and operates during May 31 to September 30 with low-NO_x burners, mid-kiln firing, or alternative control techniques, as defined under Section 99.42(a). In all subsequent control periods, an owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during May 1 through September 30 unless the kiln has installed and operates during May 1 to September 30 with low- NO_x burners, mid-kiln firing, or alternative control techniques, as defined under Section 99.42(a).

At **R.61-62 Section 99.44(b)(1)**, strike the word “Part” for consistency to read:

(1) Any owner or operator of a unit subject to this rule shall complete an initial performance test and subsequent annual testing consistent with the requirements of 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E.

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At **R.61-62 Section 99.43(b)(3)**, correct the paragraph to make the word “section” uppercase for consistency to read:

(3) Any owner or operator of a unit subject to this rule that chooses to comply with this regulation through the use of an operational control technique shall submit a compliance monitoring plan pursuant to Section 99.42(a).

DEPARTMENT OF AGRICULTURE
CHAPTER 5
 Statutory Authority: 1976 Code Section 46-15-20

Notice of Drafting:

The South Carolina Department of Agriculture is considering modernizing, clarifying and updating the existing regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 15, the operating procedures at the state farmers markets.

Interested parties should submit written comments to Anne E. Crocker, South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280. To be considered, comments should be received no later than July 31, 2012, the close of the drafting comment period.

Synopsis:

The proposed amendments will update and clarify responsibilities of the market manager in maintaining the market property, as well as updating standards and compliance requirements of participating vendors and customers at the state farmers markets.

These proposed regulations will require legislative action.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 44-53-160(4), 44-53-280(a), and 44-53-280(c-f)

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R. 61-4, Controlled Substances. Interested persons may submit their views by writing to Regina T. Erving, Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on July 23, 2012, the close of the drafting comment period.

Synopsis:

The Department is considering several revisions that will address, but are not limited to, the following subjects:

- (1) Provide for fee exemption for certain military and other personnel.
- (2) Clarification of procedure for reporting of theft or loss of controlled substances.
- (3) Provide for registration, installation, and operation of automated dispensing systems at long term care facilities.
- (4) Provide for faxing of schedule III, IV and V controlled substances prescriptions to pharmacies consistent with S.C. Code Ann. Section 44-53-360(b).
- (5) Clarification of language regarding who may dispense controlled substances.
- (6) Clarification of inventory requirements for controlled substances.
- (7) Clarification of language regarding partial fill of schedule II controlled substances prescriptions for terminally ill patients or patients in long term care facilities.
- (8) Clarification of language regarding quantity limitations for controlled substances prescriptions.
- (9) Clarification of language regarding how long a schedule II controlled substance is valid.
- (10) Clarification of method for recording refills of schedules III, IV and V controlled substances.

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- (11) Delete obsolete language and delete references to functions no longer performed by the Bureau of Drug Control.
- (12) Provide for electronic prescriptions for controlled substances in accordance with current DEA regulations.
- (13) Clarification of method of payment of registration fees.
- (14) Provide for consistency with state and federal laws.
- (15) Add an appeals section in R.61-4 to comply with statutory changes in the Administrative Appeals process pursuant to S.C. Code Section 44-1-60 (2006 S.C. Acts 387).
- (16) Make stylistic changes for internal consistency; clarification in wording; corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council.

Legislative review will be required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 "Hunt Units and Wildlife Management Area Regulations" and 123-52 "Either-sex days for Private Lands in Game Zones 1-6". The subject of the proposed action is to amend the regulations to modify existing seasons and methods and add new wildlife management areas to allow additional hunting opportunity. The addition to Regulation 123-52 addresses the use of Individual Deer Tags in all Game Zones. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas.

Document No. 4223
BOARD OF ACCOUNTANCY
 CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

- 1-06. Reinstatement
- 1-08. Continuing Professional Education

Synopsis:

To satisfy the requirements of licensure in the field of accountancy, Regulations 1-06 and 1-08 are updated in conformance with the current Board of Accountancy Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 1 are modified as provided below. All other items and sections remain unchanged.

Text:

1-06. Reinstatement.

(A) In order to qualify for reinstatement, an applicant whose license has been inactive or lapsed for three (3) years or more must demonstrate at least six months of additional experience and one hundred and twenty hours of continuing education, which must be completed within the previous twelve (12) months of the reinstatement application.

(B) Additional experience may be earned as allowed by 40-2-35(A)(4) and must follow the same requirements as required for original licensing experience.

1-08. Continuing Professional Education.

(A) General Standards for Continuing Professional Education (CPE)

(1) Continuing Professional Education requirements apply to all licensees. Each licensee shall complete CPE, which contributes directly to his or her professional competence.

(2) Each person to whom the CPE requirement applies shall complete forty (40) hours of acceptable CPE each calendar year as a condition of obtaining a renewal license.

(a) Not more than twenty (20%) percent (8 hours) of the required hours may be in personal development subjects. Personal development subjects that exceed twenty (20%) percent of the required hours shall not be available for carry-over credit.

(b) Not more than fifty (50%) percent (20 hours) of the required hours may be in self study programs. Self study credits are not available for carry-over credit.

(c) No more than ten (10) hours of CPE can be earned in a calendar day.

(d) When a meal is scheduled during the educational period, no credit will be allowed unless the schedule provides for fifty (50) minutes of instruction after completion of the meal.

(3) A person who obtains a certificate of registration or license for the first time shall complete at least forty (40) hours of acceptable CPE during the calendar year following the year in which the original certificate or license was obtained. There is no provision for carry-over from a year in which CPE was not required.

(4) The Board may accept a compliance report from another jurisdiction if the requirement is substantially equivalent to SC requirements.

(B) Mechanics

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(1) Licensees are responsible for compliance with all applicable CPE requirements and should claim CPE hours only for CPE programs when the CPE program sponsors have complied with the requirements set out in these regulations.

(2) Licensees are responsible for accurate reporting of the appropriate number of CPE hours earned and should retain appropriate documentation in their files for five (5) years.

(3) One (1) hour of credit shall be granted for each fifty (50) minutes of actual instructional contact time. One-half CPE credit increments (equal to 25 minutes) are permitted after the first one (1) hour credit has been earned in a given learning activity. Partial hours will be rounded down to the nearest half (1/2) hour. Only class hours, actual hours of attendance and not hours devoted to preparation, shall be counted.

(4) In order for self-study hours to qualify, a licensee must submit a certificate of completion supplied by the program sponsor after completion of an examination. Only self-study courses registered under Quality Assurance Service (QAS) of NASBA will qualify. The certificate of completion must include the following:

- (a) name and address of sponsor,
- (b) participant's name,
- (c) course title,
- (d) course field of study,
- (e) date of completion,
- (f) amount of CPE hours recommended, and
- (g) registration QAS sponsor number.

(5) Teachers of university and college undergraduate and graduate credit courses shall be granted credit at the rate of ten (10) hours for each three (3) semester hour (or prorated equivalent) course taught. Credit shall not be granted for accounting principles, basic financial accounting, basic managerial accounting or any other introductory accounting course, either undergraduate or graduate. Credit shall not be granted for repetitious presentations within a two (2) year period. Credit for teaching university, college, and graduate credit courses shall be limited to twenty-five (25%) percent of the required hours for a reporting period.

(6) For university or college courses that have been successfully completed for credit, a copy of the grade report is to be submitted. Each semester hour credit shall equal fifteen (15) hours. In the case of universities or colleges on the quarter system, each quarter hour credit shall equal ten (10) hours. For non-credit courses, a certificate of attendance issued by the university or college is to be submitted. Each classroom hour attended shall equal one (1) fifty (50) minute CPE hour.

(7) For published articles or books that contribute to the professional competence of the licensee, a copy of the publication that names the writer as author or contributor is to be submitted. For CPE programs developed, an outline of the course is to be submitted. Credit for preparation of such publications may be given on a self-declaration basis up to twenty-five (25%) percent of the renewal period requirement. The Board has the final determination of the amount of credit so awarded. Hours in excess of the limitation contained in this subparagraph shall not be available for carry-over of credit.

(8) Participation in positive enforcement reviews assigned by the Board and service on a peer review acceptance body qualifying under Regulation 1-09 qualifies for and is limited to sixteen (16) hours credit per year for time actually spent on duties.

(9) Instructors or discussion leaders of qualified CPE programs will be granted credit equal to twice the number of hours participation in the course. For repeat presentations, CPE can be claimed only if it can be demonstrated that the learning activity content was substantially changed and such change required additional study or research.

(10) Only the portions of committee or staff meetings that are designed as programs of learning and comply with these regulations qualify for CPE.

(11) Evidence to support fulfillment of the requirements must be retained by the licensee for at least five (5) years from the due date of the CPE report or the date filed, whichever is later. The Board, in its discretion, may verify the information submitted by licensees.

(12) When a licensee completes more than the required number of hours of CPE in any calendar year, the extra hours, not in excess of twenty (20) hours, may be carried forward and treated as hours earned in the following year. No carry over credit is allowed for Personal Development.

(13) While CPE sponsors determine the number of hours, licensees who participate in only part of a program should claim CPE credit only for the portion they attended or completed.

(C) Sponsors

(1) CPE sponsors are expected to present learning activities that comply with course descriptions and objectives.

(2) CPE sponsors must employ an effective means for evaluating learning activity quality with respect to content and presentation, as well as provide a mechanism for participants to assess whether learning objectives were met.

(3) At the beginning of the CPE course, the sponsor should read the following statement or a statement very similar, "It is the responsibility of the licensee to be accountable for the hours earned during the CPE course. The licensee should not engage in any other activities that would denigrate the learning objective of the course to the licensee or others. If the other activity is unavoidable, then that time should be subtracted from the overall CPE credit."

(D) Sponsors of Self-study Courses:

(1) CPE self-study programs shall qualify, provided the course has been approved by QAS.

(2) The sponsor of self-study courses must provide the licensee with a certificate of completion containing the information as stated in Reg 1-08 (B)(4).

(E) Courses Attended:

(1) CPE course must contribute directly to the professional competence of a licensee, and the sponsor must provide the participant with a certificate of attendance at the end of the session with the information as stated in Reg 1-08 (B)(2).

(2) The program will qualify if:

(a) the program is conducted by persons whose background training, education and experience qualify them as appropriate instructors, discussion leaders or lecturers in the subject matter of the particular program;

(b) an outline of the program presented is prepared in advance and shall be maintained by the sponsor;

(c) the program is at least one (1) hour (fifty-minutes) in length. One-half CPE increments (equal to 25 minutes) are permitted after the first credit has been earned in a given program. Sponsors are to calculate credit hours;

(d) a certificate of attendance described in the previous paragraph is given to each participant at the end of the session;

(e) records showing compliance with this section are preserved and maintained by the sponsor for a period of at least five (5) years from the date of presentation of the program.

(F) Other qualifying programs

(1) The following programs may qualify, provided all other requirements of this regulation are met:

(a) professional development programs of recognized national and state accounting organizations;

(b) technical sessions at meetings of recognized national and state accounting organizations and their chapters;

(c) accredited university or college credit courses;

(d) accredited university or college non-credit courses;

(e) formal organized in-firm and inter-firm education programs, although portions of the programs devoted to administrative matters shall not be included; and

(f) programs offered by other recognized professional organizations, industrial or commercial firms, proprietary schools, or governmental entities.

(2) The Board shall not accept any program of learning that does not offer written documentation showing that the work has actually been accomplished.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Accountancy Practice Act.

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Document No. 4217
ATHLETIC COMMISSION
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

20-27.01 through 20-27.23. Mixed Martial Arts

Synopsis:

The South Carolina Athletic Commission adds Regulations 20-27.01 through 20-27.23 to provide for mixed martial arts requirements.

The Notice of Drafting was published in the *State Register* on October 28, 2011.

Instructions:

Subchapter 27 is added as provided below.

Text:

SUBCHAPTER 27
Mixed Martial Arts

20-27.01. Definitions.

(A) Brazilian jiu-jitsu: Also known as "Gracie Jiu-Jitsu", is a martial art developed in Brazil by the Gracie family during the mid-20th century. Originally based on the Japanese martial art of judo as it existed before WW II, it has since developed into an independent system with a major emphasis on ground fighting and grappling. These techniques may be used in mixed martial arts events.

(B) Cage: A fenced enclosure in which some promotional organizations hold mixed martial arts competition. A fenced enclosure may have four (4) but not more than eight (8) sides.

(C) Choke: A submission technique which restricts blood flow in the carotid arteries, resulting in a competitor either tapping-out or losing consciousness. Some of the most frequently employed chokes are the guillotine choke, rear-naked choke, leg triangle choke and the arm triangle choke.

(D) Fish-hooking: The action of hooking (grasping) and pulling the inside of an opponent's cheek so as to control his/her head movement. This is illegal.

(E) Freestyle wrestling: An Olympic grappling sport which permits contestants to attack their opponent above and below the waist, these techniques may be used in mixed martial arts events.

(F) Gi: The traditional uniform worn when practicing aikido; jujitsu; judo; and karate, may not be worn in mixed martial arts events.

(G) Grappling: Techniques of throwing, locking, holding, and wrestling, as opposed to kicking and punching. These techniques may be used in mixed martial arts events.

(H) Greco Roman wrestling: An Olympic grappling sport in which all holds are applied above the waist in an attempt to throw the opponent. These techniques may be used in mixed martial arts events.

(I) Ground and pound: A MMA term which describes the barrage of strikes delivered by the contestant who is in his/her opponents guard or in the mount position.

(J) Guard: A basic position in which one competitor lies on his back with their knees bent and legs open. If their opponent is between their legs, the opponent is in their guard. Depending upon the leg position of the fighter on their back, the guard is refereed to as being an open, closed, half, butterfly, spider, or rubber-band guard.

(K) Hammer-fist: A strike with the small finger side of the fist, as if holding a hammer.

(L) Judo: Meaning gentle way, it is a grappling art created by Jigoro Kano. Based on the techniques of jujitsu. These techniques may be used in mixed martial arts events.

(M) Judoka: Judo practitioners.

(N) Jiu-Jitsu: Also written as jujitsu, ju-jitsu, and jujutsu. Meaning gentle art, a traditional Japanese self-defense that includes kicking, striking, kneeling, throwing, choking and joint locks. These techniques may be used in mixed martial arts events.

(O) Kickboxing: Adapted from Muay Thai, it is a striking sport which permits punches, kicks, and knees. These techniques may be used in mixed martial arts events.

(P) Mixed martial arts: A general term that describes the convergence of techniques from a variety of combative sports disciplines including boxing, wrestling, judo, jujitsu, kickboxing and others. "MMA" techniques can be broken down into two categories, striking and grappling.

(Q) Mount: A basic position in which a competitor gains top position and controls their opponent by sitting on top of them in the full mount position, or from the side of the opponent in the side mount.

(R) Muay Thai: Known as Thai boxing, it is the national sport of Thailand. It is a pure striking art in which blows are delivered with the hands, feet, knees and elbows. These techniques may be used in mixed martial arts events.

(S) No-holds-barred: An erroneous description and characterization of the sport of mixed martial arts.

(T) Octagon: A fenced enclosure in which some promotional organizations hold MMA competition.

(U) Pankration: Meaning all strength or all power, this is an ancient style of Greek wrestling and boxing in which kicks, throws, and joint locks were used. These techniques may be used in mixed martial arts events.

(V) Passing the guard: This is a term that describes a fighter's attempt to escape from his/her opponent's guard in order to secure the mount position.

(W) Shoot: A wrestling technique wherein a competitor attempts to capture his/her opponent's legs and takes him/her off his/her feet. These techniques may be used in mixed martial arts events.

(X) Spike, Spiking: After lifting and inverting an opponent, attempting to slam him/her headfirst into the canvas. This is illegal.

(Y) Sprawl: A defensive wrestling technique employed to block and counter an opponent's shoot.

(Z) Strikes: A cumulative number of punches administered by a contestant to his/her opponent.

(AA) Submission: A grappling technique which forces a contestant to tap-out. Techniques include chokes, and the hyperextension or over-rotation of a joint.

(BB) Tap-out: The physical act of tapping the opponent, the mat, or one's self to signal a submission. When unable to physically tap-out a submission can be vocal.

20-27.02. Conducting mixed martial arts events.

(A) "MMA" is a general term used to identify a mixed martial arts event that describes the convergence of techniques from a variety of combative sports disciplines including boxing, wrestling, judo, jujitsu, kickboxing and others.

(B) All contests and exhibitions of mixed martial arts must be conducted under the supervision of the South Carolina Athletic Commission, unless otherwise provided by 40-81-445.

(C) This includes all professional and amateur mixed martial arts events.

20-27.03. Requirements for mixed martial arts contestants.

(A) Amateur contestants:

(1) The minimum and maximum ages for amateur contestants in South Carolina are 18 to 35 years old. No person shall compete in an amateur MMA event after reaching 35 years of age.

(2) Must submit a completed state approved application with the appropriate fee.

(3) Must submit a completed annual physical signed by a medical doctor (MD) or Doctor of Osteopathic Medicine (DO) along with blood work for the detection of Hepatitis A and B, and HIV.

(B) Professional contestants:

(1) The minimum and maximum ages for professional MMA contestants in South Carolina are 18 to 35 years old. The maximum age may be waived by majority vote of the Commission for a specific contestant. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.

(2) Must submit a completed state approved application with the appropriate fee.

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(3) Must submit a completed annual physical signed by a medical doctor (MD) or Doctor of Osteopathic Medicine (DO) along with blood work for the detection of Hepatitis A and B, and HIV.

(C) Amateur contestants who want to turn professional:

(1) Must be between the ages of 18 and 35 years old. (The maximum age may be waived by majority vote of the Commission for a specific contestant. A waiver to participate as an over-age contestant shall be valid for the duration of the current licensure period.)

(2) Must submit a completed state approved application with the appropriate fee.

(3) Must submit a completed annual physical signed by a medical doctor (MD) or Doctor of Osteopathic Medicine (DO).

(4) Must have updated (within one (1) year of the date of contest) blood work for the detection of Hepatitis A and B, and HIV.

(5) Must have fought in at least six (6) sanctioned amateur fights and have won 75% of his/her sanctioned fights.

(6) Once a "Pro" designation has been obtained, the contestant may only fight in a "pro" designated event, and is not eligible to fight in any amateur sanctioned events.

(D) Over-age professional MMA contestants:

(1) A contestant over the age of 35 may participate in an MMA event if the age restriction is waived by a majority vote of the Commission for a specific fight. (This waiver will be considered valid for the duration of the current licensure period.)

(2) Must provide a recent video record of his/her last fight, or training bout and copies of his/her clear and precise amateur and professional record.

(3) Must provide an updated EKG report and a letter from the attending physician clearing them to fight. This does not preclude any other medical test that the Commission may deem important for the safety of the fighter.

(4) Must submit the appropriate application and fee.

(5) Must submit a completed annual physical signed by a medical doctor (MD) or Doctor of Osteopathic Medicine (DO) along with blood work for the detection of Hepatitis A and B, and HIV.

20-27.04. Weigh in procedures.

(A) The weigh-ins must be conducted by an inspector or a representative of the South Carolina Athletic Commission at a place and time designated by the Commission.

(B) All contestants must weigh in. With the exception of super heavyweights contestants are limited to shorts, shirt and socks.

(C) The scale used for the official weigh-in shall be provided by the South Carolina Athletic Commission representative.

(D) Allowance in weight class is the weight difference permitted between contestants in two (2) different weight classes.

(1) There shall not be a difference of more than three (3) pounds between weight classes from lightweight up to, but not including, the welterweight class.

(2) There shall not be a difference of more than five (5) pounds between weight classes from welterweight up to, but not including, the super heavyweight class.

(3) Example: a fighter weighing one hundred thirty four (134) pounds in the bantamweight class shall not compete against an opponent who weighs more than one hundred thirty-seven (137) pounds in the featherweight class.

(4) Example: a fighter weighing one hundred eighty-four (184) pounds in the middle weight class shall not compete against an opponent who weighs more than one hundred eighty-nine (189) pounds in the light heavyweight class.

(5) Weight classifications, weight allowance between weight classes and glove sizes-

Weight class	Weights
Flyweight	116 to 125 lbs
Bantamweight	126 to 135 lbs
Featherweight	136 to 145 lbs

Lightweight	146 to 155 lbs
Welterweight	156 to 170 lbs
Middleweight	171 to 185 lbs
Light Heavyweight	186 to 205 lbs
Heavyweight	206 to 265 lbs
Super Heavyweight	over 265 lbs

20-27.05. Judging and scoring.

(A) All bouts will be scored by three (3) judges.

(B) The "Ten-Point Must System" will be the standard system of scoring a bout. The winner of the round will be awarded ten (10) points and the loser of the round will be awarded nine (9) points or less, except for the rare occasion of an even round, which is scored ten (10) to ten (10).

(C) Judges shall judge mixed martial art techniques, such as effective striking, effective grappling, and control of the opponent, effective aggressiveness and defense.

(1) Effective striking is judged by determining the total number of legal heavy strikes landed.

(2) Effective grappling is judged by considering the number of successful executions of a legal takedown and reversal. Factors to consider are take downs from the standing position to a mount position, passing the guard to the mount position, and bottom position fighters using an active threatening guard.

(3) Effective control is judged by determining who is dictating the pace, location and position of the bout. Factors to be considered are countering a grappler's attempt at a takedown by remaining standing and legally striking, take down an opponent to force a ground fight, creating threatening submission attempts, passing the guard to achieve a mount, and creating striking opportunities.

(4) Effective aggressiveness means moving forward and landing legal strikes.

(5) Effective defense means avoiding being struck, take down or reversals while countering with offensive strikes.

20-27.06. Fouls - intentional, unintentional, procedures and types of fouls.

(A) Procedures:

(1) Referee shall issue a warning. After the initial warning a penalty will be issued. The penalty may be a deduction of points or disqualification depending on the severity of the foul. Any points deducted for any foul must be deducted in the round which the foul occurred.

(2) The referee as soon as practical after the foul, shall call time and notify which contestant is being penalized and the total points the contestant is being penalized.

(3) If a bottom contestant commits a foul and in the referee's judgment is not in control, unless the top contestant is injured, the bout shall continue, so as not to jeopardize the top contestant's superior positioning at the time.

(a) The referee shall verbally notify the bottom contestant of the foul.

(b) When the round is over, the referee shall notify the judges and the inspector of the foul and the total point deduction.

(4) Only the referee can assess a foul and any point deductions. Judges shall not deduct points for what they interpret is a foul.

(5) Referee shall check the fouled contestant's condition to see if the contestant can still participate in the contest.

(6) Disqualification occurs when after any combination of three (3) fouls or if the referee determines the foul to be flagrant.

(B) Intentional foul:

(1) If an injury results that is severe enough to terminate the bout, the contestant causing the injury loses by disqualification.

(2) If an intentional foul causes an injury and the bout is allowed to continue a mandatory two (2) point penalty shall be assessed to the contestant committing the foul.

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(3) If an injury sustained by a contestant as a result of the intentional foul causes the contestant to be unable to continue at a subsequent point, the injured contestant shall win by a technical decision, if said contestant is ahead on the score cards. If the injured contestant is even or behind on the score cards at the time of the stoppage, the bout shall be declared a technical draw.

(C) Unintentional foul:

(1) If a bout is stopped because of an unintentional foul, the referee shall determine whether the contestant who has been fouled can continue or not. If the contestant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve concussive impact to the head of the contestant who has been fouled, the referee may order the bout continued after a recuperative interval of not more than five (5) minutes. Immediately after stopping the bout or at the end of the round the referee must immediately inform the inspector or Commission representative of their determination that the foul was accidental and unintentional.

(2) If the referee determines either from his/her observation or that of the ringside physician that the bout may not continue because of the injury from the unintentional foul the bout will be declared a no contest if the foul occurred:

- (a) During the first two (2) rounds of a non-championship bout, or;
- (b) During the first three (3) rounds of a championship bout;

(3) If the unintentional foul renders the contestant unable to continue the bout; or an injury from an intentional foul later becomes aggravated by fair blows and the referee stops bout because of the injury.

- (a) After the completion of the second round in a non-championship bout or three (3) round bout;
- (b) After the completion of the third round of a championship bout or five (5) round bout;

(c) The outcome shall be determined by scoring the completed rounds and the partial round in which the referee stopped the bout.

(4) A contestant shall not be declared the winner of a bout on the basis of his/her claim that the opponent fouled him/her unintentionally by hitting him/her in the groin. If after a recuperative interval of not more than five (5) minutes, a contestant is unwilling to continue because of the claim of being hit in the groin, the bout will be declared a no contest if the second round has not been completed in a three (3) round bout or the third round has not been completed in a five (5) round bout.

(D) Types of fouls in a mixed martial arts contest.

- (1) Butting with the head.
- (2) Eye gouging of any kind.
- (3) Biting.
- (4) Hair pulling.
- (5) Fishhooking.
- (6) Groin attacks of any kind.
- (7) Putting a finger into any orifice or into any cut or laceration on an opponent.
- (8) Small joint manipulation.
- (9) Striking to the spine or back of head.
- (10) Striking downward using the point of the elbow. (Arcing elbow strikes are permitted).
- (11) Throat strikes of any kind, including, without limitation grabbing the trachea.
- (12) Clawing, twisting or pinching the flesh.
- (13) Grabbing the clavicle.
- (14) Kicking the head of a grounded opponent.
- (15) Kneeing the head of a grounded opponent.
- (16) Stomping on a grounded opponent.

A contestant is considered grounded when his/her torso or three (3) points of his/her body are touching the canvas: (example: two (2) legs and a hand are touching the canvas. Applies to paragraphs (D)(14), (D)(15), and (D)(16) of the rule. Note: A downed opponent may kick up to all legal striking points of the body.

- (17) Kicking to the kidney with the heel.
- (18) Throwing an opponent out of the ring area or caged area.
- (19) Holding the shorts or glove of an opponent.
- (20) Spitting on an opponent.
- (21) Engaging in any unsportsmanlike conduct that causes an injury to an opponent.

- (22) Holding the ropes or cage.
- (23) Using abusive language or illicit gestures in the ring area or caged area.
- (24) Attacking an opponent on or during the break.
- (25) Attacking an opponent who is under the care of the referee.
- (26) Attacking an opponent after the bell has sounded to end the round.
- (27) Flagrantly disregarding the instructions of the referee.
- (28) Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury.
- (29) Interference from anyone working the corner or corner men leaving their area.
- (30) Any act in the judgment of the referee that is detrimental and places an opponent at a disadvantage.

20-27.07. Mouthpiece rule.

All contestants are required to wear a mouthpiece during competition. The round cannot begin without the mouthpiece. If the mouthpiece is dislodged during competition, the referee will call time and have the mouthpiece replaced at the first opportune moment, without interfering with the immediate action. The referee may deduct points if it is judged the mouthpiece is being purposely spit out.

20-27.08. Restarting fighters.

Following any medical time-out, or when a ring is being used and one or both opponents are under the ropes on the apron of the ring or in danger of falling from the apron of the ring, time will be called by the referee and both fighters will be positioned in the middle of the ring and assume the same position as the one prior to the time out.

20-27.09. Appearance and attire.

(A) Groin protectors.

(1) Male fighters must wear a professionally manufactured and Commission approved groin protector, which will protect them against injury from a foul blow. No homemade or non-professionally manufactured protective gear will be approved by the Commission.

(B) Female fighters must submit a negative pregnancy test taken within the past fourteen (14) days from a doctor or certified laboratory to the Athletic Commission a minimum of seven (7) days prior to the event.

(C) Each contestant shall wear mixed martial arts shorts, biking shorts, or kick boxing shorts. Shorts must be approved by the Commission or Commission representative.

(D) No GI's or shirts permitted.

(E) No shoes or protective padding for the feet or other areas of the body are permitted.

(F) No grappling shin guards.

(G) Absolutely "no" body grease, gels, balms or lotions may be applied. Vaseline may be applied to the facial area at cage side or ringside in the presence of an inspector, referee, or a person designated by the Commission. Any contestant applying anything prior to this could be penalized a point or disqualified.

(H) Taping of hands wrists and ankle is permitted.

(I) Neoprene joint supports only. No metal supports or hardened plastic or hardened synthetic device or equipment of any kind can ever be worn anywhere on the body during competition.

(J) Finger and toe nails must be trimmed.

(K) The Commission or Commission representative shall determine whether head or facial hair presents any hazard to the safety of the contestant or their opponent or will interfere with the supervision and conduct of the event. Facial hair may not be braided.

(L) May not wear any equipment that does not pass the inspector's or Commission's approval.

(M) No jewelry or body piercings may be worn.

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20-27.10. Glove specifications.

(A) For professional mixed martial arts contests each contestant must wear gloves that weigh not less than four (4) ounces and not more than eight (8) ounces.

(B) The gloves shall be supplied by the promoter.

(C) Both contestants shall wear the same weight gloves.

(D) Must be inspected and passed by the inspector, referee or Commission representative prior to starting the bout.

20-27.11. Specifications for bandages on hands for mixed martial art contestants.

(A) In all weight classes, the bandages on each contestant's hands shall be restricted to soft gauze type cloth not more than fifteen (15) yards in length and two inches in width, held in place by not more than ten (10) feet of surgeon's tape, one (1) inch in width for each hand.

(B) Surgeon's adhesive tape shall be placed directly on each hand for protection near the wrist. The tape may cross the back of the hand twice and extend to cover and protect the knuckles when the hand is clenched to make a fist.

(C) The bandages shall be evenly distributed across the hand.

(D) Bandages and tapes shall be placed on contestant's hands in the dressing room and must be inspected by the Commission or Commission representative.

(E) The manager or chief second of the opponent may elect to be present when hands are being wrapped.

(F) Under no circumstances are gloves to be placed on the hands of a contestant until checked by the inspector or Commission representative.

20-27.12. Requirements for a ring or caged area.

(A) Mixed martial arts shall be held in a Commission approved ring or caged area.

(B) The ring or caged area specifications for mixed martial arts must meet the following requirements:

(1) The cage must be of circular type dimensions or have as many as eight (8) equal sides;

(2) Two (2) sides opposite of each other must each have a designated color, one (1) side blue the opposite red;

(3) The ring or cage must be no smaller than twenty (20) feet wide or no larger than thirty-two (32) feet across;

(4) The floor of the ring or caged area must be padded with ensolite or another similar closed-cell foam, with at least a one (1) inch layer of foam padding, with a top covering of canvas, duck or similar material tightly stretched and laced to the platform of the ring or caged area. Material that tends to gather in lumps or ridges must not be used;

(5) The platform of the ring or caged area must not be more than four (4) feet above the floor of the building and must have suitable steps for use of the contestants;

(6) Ring posts must be made of metal, not more than six (6) inches in diameter, extending from the floor of the building to between five (5) and seven (7) feet above the floor of the ring or caged area, and must be properly padded in a manner approved by the Commission or Commission representative;

(7) The fencing used to enclose the caged area must be made of a material that will prevent a contestant from falling out or breaking through the caged area onto the floor of the building or onto spectators, including, without limitation, chain link fence coated with vinyl;

(8) Any metal portion on the interior of the ring or caged area must be covered and padded in a manner approved by the Commission or Commission representative and must not be abrasive to the contestants;

(9) The ring or caged area must have two (2) entrances. The entrance must be padded or covered and padded so that there is no exposed metal on the interior of the ring or caged area;

(10) There must not be any obstruction on any part of the fencing surrounding the area in which the contestants are competing;

(11) Any metal parts used to enforce the ring or caged area wall must be positioned as to not interfere with the safety of the contestants;

- (12) A Commission approved ring stool must be placed in each corner.
- (13) A plastic water bottle and a clean bucket must be placed in each corner.

20-27.13. Rubber gloves.

When a ring is used all seconds working in the corner must wear rubber gloves. When a caged area is used only the second who enters the caged area must wear rubber gloves.

20-27.14. Types of bout results.

(A) A mixed martial arts contest may end under the following results:

- (1) Submission:
 - (a) Tap out: when a contestant physically uses his/her hand(s) to indicate that he/she no longer wishes to continue.
 - (b) Verbal tap out: when a contestant verbally announces to the referee that he/she does not wish to continue.
- (2) Knockout "(KO)": failure to rise from the canvas.
- (3) Technical knockout "(TKO)":
 - (a) Referee stops bout because a contestant can no longer defend himself/herself; or
 - (b) Ringside physician advises referee to stop bout; or
 - (c) When an injury as a result of a legal maneuver is severe enough to terminate the bout.
- (4) Decision via scorecards:
 - (a) Unanimous: when all three (3) judges score the bout for the same contestant.
 - (b) Split decision: when two (2) judges score the bout for the same contestant and one (1) judge scores for the opponent.
 - (c) Majority decision: when two (2) judges score the bout for the same contestant and one (1) judge scores the bout a draw.
- (5) Draws:
 - (a) Unanimous: when all three (3) judges score the bout a draw;
 - (b) Majority: when two (2) judges score the bout a draw;
 - (c) Split when all three (3) judges score it differently and the score total results in a draw.
- (6) Disqualification: when an injury sustained during competition as a result of an intentional foul is severe enough to terminate the contestant.
- (7) Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.
- (8) Technical draw:
 - (a) When an injury sustained during competition, as a result of an intentional foul, causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of the stoppage.
 - (b) When an injury sustained during competition, as a result of an unintentional foul, causes the injured contestant to be unable to continue and the sufficient number of rounds have been completed with the results of the scorecards being a draw.
- (9) Technical decision: when the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.
- (10) No contest: when a contestant is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

20-27.15. Number of rounds required for mixed martial arts bouts and events.

(A) Professional Bouts:

- (1) Professional bouts will be three (3) rounds of five (5) minutes each with a one (1) minute rest period that includes a fifteen (15) second warning signal.

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(2) Championship bouts will be five (5) rounds of five (5) minutes each with a one (1) minute rest period that includes a fifteen (15) second warning signal.

(B) Amateur bouts:

(1) Amateur bouts will be three (3) rounds of three (3) minutes each with a ninety (90) second rest period that includes a fifteen (15) second warning signal.

(2) Championship bouts will be five (5) rounds of three (3) minutes each with a one (1) minute rest period that includes a fifteen (15) second warning signal.

(C) A minimum number of twenty-four (24) rounds and eight (8) bouts must be scheduled. The Commission representative may grant a waiver of rounds.

20-27.16. Promoter's responsibilities.

(A) Bout agreements.

(1) The bout agreement between a promoter and a pro contestant must be executed and submitted to the South Carolina Athletic Commission 14 days prior to the event. (2) A bout agreement which provides that a contestant must fight exclusively for one promoter or at the option of the promoter is prohibited.

(B) Must have a permit for the event with contestant's name and weight, the opponent's name and weight, and number of rounds, submitted to the Commission prior to the Commission meeting. A contestant will not be permitted to fight unless approved by the Commission or its designee.

(C) Contestants' names, addresses, date of birth and social security number or last four digits of social security number, must be submitted no later than seventy-two (72) hours prior to the start of the event.

(D) Must have a separate divider between the ring or caged area and the fans. The divider must be approved by the inspector or Commission representative. If a solid barrier (divider) is not provided then a uniformed officer must be present at the ring or caged area.

(E) Must follow all ticket and tax rules as defined in the Code.

(F) Must have event insurance coverage in the amount of twenty-five thousand (\$25,000.00) dollars in case of injury and twenty-five thousand (\$25,000.00) dollars in case of a death. Contestants are not responsible for any deductible payments.

(G) No event shall start without the presence of a licensed medical doctor or doctor of osteopathic medicine present at ringside or cage side and an ambulance with medical personnel on site. The doctor must be present a minimum of two (2) hours prior to the start of the event. Ambulance and medical personnel must be present a minimum of one (1) hour prior to the start of the event.

(H) The Commission representative of the South Carolina Athletic Commission shall assign all officials for all mixed martial arts events.

(I) Must supply the contestants' gloves to be used at the event. Gloves must be approved by the inspector or Commission representative.

(J) Have disposable garbage bags and biohazard bags in each dressing room and at ringside.

(K) Have cleaning solution used to clean blood and debris in the cage or ring. A solution with a minimum of ten (10%) percent bleach and ninety (90%) percent water is an acceptable solution.

(L) Must provide security with a minimum of one Commissioned police officer based upon the seating capacity for the particular event.

(M) All events must start on the time designated on permit or, after thirty (30) minutes, the promoter will be assessed a fine of one hundred (\$100.00) dollars for each thirty (30) minutes thereafter the event is late, unless said delay is due to a cause beyond the control of the promoter.

(N) New gloves never previously worn must be used for all title bouts. Gloves must be approved by Commission representative or inspector.

(O) Must comply with all rules and regulations relating to promoting events.

(P) Promoters must pay five (5%) percent of the gross gate receipts to the Commission within ten (10) days after the event. Failure to pay the required gate fees will result in the promoter being assessed a two hundred fifty (\$250.00) dollar fine, and an additional two hundred fifty (\$250.00) dollar fine every ten (10) days thereafter.

20-27.17. Licensing.

(A) All contestants, managers and seconds shall be licensed pursuant to the South Carolina Athletic Commission laws, rules and regulations.

(B) All judges, referees, time keepers, physicians and inspectors shall be licensed as required by the Commission's rules and regulations.

20-27.18. Seconds duties when working in a corner.

(A) There may be no more than three (3) licensed seconds positioned in a designated area by the ring or cage or positioned in each corner of the ring. (B) No person other than the contestants and referee shall enter the ring or cage during a bout.

(C) The referee may, in his/her discretion, stop a contest if an unauthorized person enters the ring or cage during a round.

(D) Only one (1) second may enter the cage to tend to a fighter between rounds. In case of an open cut, a medical person, or cut person may also enter the cage.

(E) There shall not be any loud yelling or profanity from anyone working the corner.

(F) If a manager or second leaves the designated area the fighter will be disqualified.

(G) A fighter getting knocked out of a ring and onto the floor must get back into the ring within twenty (20) seconds without assistance from anyone working his/her corner.

(H) Any person violating any rule working the corner will be disqualified for the remainder of the event and suspended for a minimum of sixty (60) days. An appeal must be submitted in writing to the Athletic Commission office within ten (10) days from the date of said violation.

20-27.19. Disciplinary action.

(A) All contestants and participants may be disciplined for any violation of the South Carolina athletic laws, rules and regulations.

(B) The administrator, inspector or Commission representative shall hold a contestant's purse for any violation to include but not be limited to failing any drug test administered at the event.

(C) The administrator, inspector or Commission representative may order the purse of a mixed martial arts contestant withheld for failing to perform to the best of his/her ability. The contestant may appeal in writing to the administrator within ten (10) days of the event, when such action is taken. If no appeal is made the Commission will have a hearing to determine the amount of the purse that will be transferred to the department the next regularly scheduled Commission meeting.

(D) A contestant will be suspended for a period of not less than one (1) year for participating in any mixed martial arts event not sanctioned and approved by the South Carolina Athletic Commission.

(E) If a licensed professional mixed martial arts contestant competes against an amateur he/she will be suspended for a period of not less than one (1) year or a maximum of two (2) years.

(F) After signing a contestant/promoter contract form, a contestant shall not enter into another contracted bout that is scheduled thirty (30) days prior to the previously signed contract. If the contestant participates in a bout within this thirty (30) day time period and as a result of participating in said event is not able to participate in the originally contracted event, said contestant shall be suspended for up to six (6) months and be assessed a fine of not more than five hundred (\$500.00) dollars at the discretion of the South Carolina Athletic Commission. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(G) When the contestant fails to appear in a contest in which he/she signed a bout agreement to appear, he/she shall be suspended for not more than six (6) months. The contestant must produce a valid certificate from a physician and approved by the administrator or Commission representative in the case of any physical disability. Any contestant who files a certificate from a physician stating he/she is unable to fulfill a bout agreement because of physical disability, shall be immediately given a medical suspension for a period of sixty (60) days and must submit a medical clearance or fulfill his/her bout agreement with the same opponent or a suitable substitute within the sixty (60) day suspension period. The administrator or Commission

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representative may remove any suspension if the contestant is released from the bout agreement by mutual agreement between the contestant and promoter.

(H) A contestant who fails to make the required weight listed on the contestant/promoter contract form, which results in the bout being cancelled, the contestant will be suspended for up to six (6) months and assessed a fine to be determined by the administrator or South Carolina Athletic Commission. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(I) If after the weigh-in a contestant fails to honor the contestant/promoter bout contract by not appearing for the bout, or refuses to compete, the contestant shall be suspended for up to twelve (12) months and assessed a fine to be determined by the administrator or Commission representative. A contestant wishing to appeal a notice of suspension must do so via registered mail to the Commission within thirty (30) days of the mailing date of the notice of suspension.

(J) A contestant or promoter will be suspended indefinitely, until payment is made in full of any judgment awarded by a court of law that is presented to the South Carolina Athletic Commission for any violations.

(K) A contestant, manager, trainer, or any representative of the contestant, shall not verbally harass any official representing the South Carolina Athletic Commission, before, during, or after any event regulated by the South Carolina Athletic Commission. This includes, but is not limited, to an inspector, referee, judge, timekeeper, physician, Commission member, or anyone assigned by, or representing the South Carolina Athletic Commission. Any contestant or person representing the contestant violating this rule will cause them or the contestant to be suspended for a period no longer than one (1) year. The suspension must be appealed within thirty (30) days after receiving notice from the Commission; otherwise, the contestant forfeits his/her right to appeal after said thirty (30) day period.

(L) A contestant, manager, trainer, or any representative of the contestant, shall not physically abuse any official representing the South Carolina Athletic Commission, before, during or after any event regulated by the South Carolina Athletic Commission. This includes, but is not limited to, an inspector, referee, judge, timekeeper, physician, Commission member, or anyone assigned by, or representing the South Carolina Athletic Commission. Any contestant or person representing the contestant violating this rule will cause them or the contestant to be suspended indefinitely. The suspension must be appealed within thirty (30) days after receiving notice from the Commission; otherwise, the contestant forfeits his/her right to appeal after said thirty (30) day period.

20-27.20. Suspensions and mandatory rest period.

(A) Sixty (60) day suspension for a knockout "KO".

(B) Thirty (30) day suspension for a technical knockout "TKO".

(1) Referee stoppage from submission or choke hold prior to verbal commitment or tap out.

(2) Referee stoppage from strikes prior to verbal commitment or tap out.

(C) Throwing the mouthpiece into the audience during or after the event will result in a ninety (90) day suspension. This would be in addition to any other suspension that the contestant may have received.

(D) Physician's suspension:

(1) Whatever length of time the physician designates after the post fight check-up that will allow sufficient time for the contestant to be physically able to compete.

(2) Until any medical requirements issued by a physician are successfully submitted and approved for release by the administrator.

(3) Failure to report or comply with post fight examination by the attending physician or his/her representative will result in a minimum suspension of ninety (90) days.

(E) Without a release from the administrator or Commission representative a contestant cannot compete until seven (7) days have elapsed from his/her last bout. The seven (7) day period starts the day following the event in which he/she competed.

(F) If listed on suspension lists or any other suspension list recognized by the South Carolina Athletic Commission.

20-27.21. Medical requirements for mixed martial arts contestants.

Professional and amateur mixed martial arts contestants must produce:

- (A) Negative HIV
- (B) Negative hepatitis B surface antigen
- (C) Negative hepatitis C antibody
- (D) Procedures to complete when failing hepatitis B surface antigen test:
 - (1) Must pass a hepatitis B "PCR" quantitative test.
 - (2) The quantitative limit must be within permissible limits according to the laboratory where test was administered.
 - (3) Test and results must have been taken within two (2) weeks of the event.

The following apply to professional and amateur mixed martial arts contestants:

- (E) The contestant must submit a CAT scan (CT) or MRI examination to the Commission at least seventy-two (72) hours prior to being licensed when a contestant:
 - (1) Has lost three (3) bouts in a row by KO or TKO.
 - (2) Has lost five (5) bouts in a row.
 - (3) Has an extensive losing record.

(F) The Commission will not issue a license or renew any applicant’s license for a contestant who is found to be blind in one eye or whose vision in one eye is so poor that an ophthalmologist, optometrist, or physician recommends that a license not be granted. This rule is effective regardless of how good the vision of the contestant may be in the other eye. An ophthalmologist’s eye exam report performed by a licensed optometrist or ophthalmologist must be submitted to the Commission as part of his/her medical records prior to competing in an event.

(G) The Commission will not issue or renew the license of any applicant who wishes to compete in any sport regulated by the South Carolina Athletic Commission who has suffered from any type of cerebral hemorrhage.

20-27.22. Conduct when contestants enter the ring or caged area.

(A) No Contestant or promoter may display any type of entrance theme that includes music, video, or any type of physical display that contains any profanity or any derogatory ethnic remarks. Anyone violating this rule may be suspended for up to six (6) months.

20-27.23. Fees.

- (A) License fees for participants shall be as follows:

(1) Promoter	\$100
(2) Event fee	\$250
(3) Manager	\$100
(4) Matchmaker	\$100
(5) Trainer	\$100
(6) Judge	\$50
(7) Referee	\$50
(8) Second	\$50
(9) Promoter Representative	\$25
(10) Timekeeper	\$25
(11) Announcer	\$25
(12) Fighter	\$25

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

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Statement of Rationale:

The added regulations will regulate mixed martial arts in South Carolina.

Document No. 4225

BOARD OF BARBER EXAMINERS

CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

17-1. Barber Schools, Managers, Teachers and Instructors.

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

Synopsis:

To satisfy the requirements of licensure in the field of barbering, Regulations 17-1 and 17-8 are updated in conformance with the current Board of Barber Examiners Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 17 are modified as provided below. All other items and sections remain unchanged.

Text:

17-1. Barber Schools, Managers, Teachers and Instructors.

Each barber school shall have a manager who will be responsible for the overall operation of the school. No person shall serve as teacher or instructor in a barber school or college

a) unless he has qualified under Section 40-7-350 of the South Carolina Code of 1976.

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

1. Every person desiring to train in a barber school or college, or under the personal supervision of a registered barber, shall file an application for student permit to take the training. Such application shall be on a blank form furnished by the Board and shall be signed by the applicant and official of school or college or registered barber under whom the applicant desires to train. The prospective student who desires to train under the personal supervision of a registered barber shall meet along with the registered barber with a representative of the Board. The representative shall make his recommendation to the Board at its next regular meeting, at which time the Board shall make its decision as to approval of the permit. If the applicant wishes a review of the Board's decision, he may meet with the Board at the next regular meeting. A registered barber may train only two (2) students in his shop at a time, provided said students have a chair at all times.

(A) Students training fulltime in a school or college shall be on a five (5) day week basis, eight (8) hours per day, for a minimum of forty (40) weeks; or, students training fulltime under the personal supervision of a qualified registered barber shall be eight (8) hours per day on a forty (40) hour a week basis for forty-eight (48) weeks.

(B) Students shall have received a written student permit issued by the Board.

(C) Each student training under the personal supervision of a registered barber will be required to obtain the same textbooks taught by barber school or college and be given at least one (1) hour of study per day.

(D) Student training parttime in a school or college shall be on a twenty (20) hour a week basis for forty (40) weeks; students training parttime under the personal supervision of a qualified registered barber shall be on a twenty (20) hour a week basis for forty-eight (48) weeks.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Barber Examiners Practice Act.

Document No. 4228

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

25-1. Organization, Administration and Procedure.

Synopsis:

To satisfy the requirements of licensure for chiropractors, Regulation 25-1 is updated in conformance with the current Board of Chiropractic Examiners Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 25 is modified as provided below. All other items and sections remain unchanged.

Text:

25-1. Organization, Administration and Procedure.

Purpose. The Board of Chiropractic Examiners (“Board”) was created to protect the health, safety and welfare of the public. This purpose is achieved through the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is updated in conformance with the current Chiropractic Practice Act.

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Document No. 4229
CONTRACTORS' LICENSING BOARD
CHAPTER 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

- 29-2. Group One Licensure Requirements.
- 29-3. Financial Statements.
- 29-6. Residential Construction Licensure Requirements.
- 29-8. Administrative Penalties.
- 29-10. Mechanical Contractors Licensure Requirements.
- 29-11. Owner-Prepared Financial Statement.
- 29-70. Definitions.
- 29-75. Applications, Fees.
- 29-80. Certificate Holder; Grandfather Qualifier.
- 29-85. Transfer of Qualifications.
- 29-90. Renewals.
- 29-100. Exemptions.
- 29-105. Plan Review Fees.
- 29-110. Violations, Complaints.

Synopsis:

To satisfy the requirements of licensure for contractors, Regulations 29-2 through 29-3, 29-6, 29-8, 29-10, 29-11, 29-70, 29-75, 29-80, 29-85, 29-90, 29-100, 29-105, and 29-110 are updated in conformance with the current Contractors' Licensing Board Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 29 are modified as provided below. All other items and sections remain unchanged.

Text:

29-2. Group One Licensure Requirements.

(A) Any entity qualifying for a group one license pursuant to Section 40-11-390 shall be issued a license indicating that the entity has been licensed without examination. Such license shall be designated as grandfathered by so stating on the group one license next to the classification or group limitation.

(B) All entities which were granted a group one license pursuant to Section 40-11-390 and who apply for upgrade to a higher group limitation must:

(1) employ a primary qualifying party who has been properly examined and has met all requirements under Section 40-11-230; and

(2) meet the financial requirements of the higher group; and

(3) submit a completed application and all required fees.

(C) No employee of an entity issued a group one license pursuant to Section 40-11-390 shall be issued a qualifying party certificate unless the employee has passed the appropriate examination(s).

(D) In order to obtain licensure pursuant to Section 40-11-390, the entity must:

(1) submit a completed application and all required fees; and

(2) have been engaging in general or mechanical construction without a license but in compliance with prior law for two years prior to April 1, 1999, in the type of work related to the classification of work for which the applicant is applying; and

(3) the majority of the annual volume of the general or mechanical construction performed must have been individual contracts in which the contract value was five thousand dollars or more. The qualifying construction must have been non-residential in nature.

(E) Individual partners, part owners, stockholders, and individual employees are not eligible for licensure pursuant to Section 40-11-390.

(F) The two-year work requirement above may be determined by documentation acceptable to the board, in its discretion, to include, but not be limited to, a business license, federal tax returns, building permits, contracts, work orders, and canceled checks.

(G) The owner or president of the entity requesting to be grandfathered pursuant to Section 40-11-390 shall be listed as the primary qualifying party. This qualifying party cannot transfer his qualifying party status to another entity. Should the qualifying party leave the full-time employment of the entity, the grandfathered status will be canceled unless the entity complies with Section 40-11-230 (A) and (B).

29-3. Financial Statements.

(A) Where an applicant is required to have a financial statement submitted by a certified public accountant or public accountant, the board may accept a financial statement based on "Other Comprehensive Basis of Accounting" (OCBOA) or on an accepted international accounting standard that, if the certified public accountant or public accountant provides a statement indicating if the financial statement had been prepared according to "General Accepted Accounting Principles" (GAAP), the financial requirements would be met.

(B) Financial statements must be submitted in English.

(C) The board may accept a financial statement based upon a foreign currency if the applicant provides adequate documentation that shows the net worth of the company, converted to United States dollars, meets or exceeds the net worth and other financial requirements of the appropriate license group in which the applicant is applying.

29-6. Residential Construction Licensure Requirements.

(A) Any residential builder or residential specialty contractor solely engaged in residential construction must be licensed or registered with the South Carolina Residential Builders Commission in accordance with Section 40-59-10, et seq.

(B) A residential builder or residential specialty contractor solely engaged in residential construction is ineligible for licensure as a group one general or mechanical contractor under Section 40-11-390.

29-8. Administrative Penalties.

(A) Administrative penalties assessed pursuant to a citation under Section 40-11-100 shall be for the following:

(1) entering into a contract with an unlicensed contractor for work to be performed for which a license is required; or

(2) failure to obtain a building permit as required by a local or state government before engaging in construction; or

(3) failure to provide information, records, or documents as requested by the department; or

(4) failure to notify the department of changes in information required in an original or renewal application; or

(5) contracting or offering to contract for construction work exceeding the limitations of a license group or outside the classification or subclassification of a license; or

(6) engaging or offering to engage in contracting without a valid license as required under this chapter; or

(7) submitting a bid without a valid license when one is required by law; or

(8) awarding or accepting a bid or signing a contract for a project when the contractor is not properly licensed; or

(9) failure to timely notify the department of changes in the licensee's current mailing address, home address, home and office telephone number.

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29-10. Mechanical Contractors Licensure Requirements.

(A) Any mechanical contractor with a process piping classification that was licensed prior to April 1, 1999, may install boilers and engage in any activity involving boiler maintenance, repair, or inspection. Any mechanical contractor issued an initial license with a process piping classification on or after April 1, 1999, may not engage in any boiler work requiring a license unless he has a mechanical contractors heating classification.

(B) Licensees licensed prior to April 1, 1999, will be listed as a 1P process piping license classification.

(C) Licensees licensed on or after April 1, 1999, will be listed as a 2P process piping license classification.

(D) Any general contractor with a public electrical utility classification who was licensed prior to April 1, 1999, may install athletic field lighting, stadium lighting, or lighting which is on public easements or rights-of-way. Any general contractor issued an initial license with a public electrical utility classification on or after April 1, 1999, may not engage in this work.

(E) Licensees licensed prior to April 1, 1999, will be listed as a 1U public electrical utility license classification.

(F) Licensees licensed on or after April 1, 1999, will be listed as a 2U public electrical utility license classification.

(G) Any contractor licensed under (B) and (E) above who has not actively maintained their license, or continuously employed a properly qualifying party for the entity, or whose license has been canceled or revoked shall not be eligible thereafter to obtain a 1P or 1U classification.

(H) Any qualifying party listed under the 1P or 1U classification who leaves employment of the entity he is currently qualifying, shall not be eligible thereafter to obtain 1P or 1U classification.

29-11. Owner-Prepared Financial Statement.

The latest revision of a financial balance sheet form (FBS) issued by the Department must be completed by an owner filing an owner-prepared financial statement. The Department will furnish this form to all applicants for initial licensing or renewal in the applicable group limitations. The form must contain assets, liabilities and total net worth of the licensee, in addition to other pertinent information requested by the Department.

ARTICLE 6

REGULATIONS ADMINISTERING FIRE PROTECTION SPRINKLER SYSTEMS ACT

(Statutory Authority: 1976 Code Section 40-10-60)

29-70. Definitions.

(A) Fire Protection Sprinkler Contractor: A person engaged in the planning, sale, installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or waterspray systems.

(B) Licensed Fire Protection Sprinkler Contractor: A fire protection sprinkler contractor who has qualified for and received a sprinkler contractor's license from the South Carolina Licensing Board for Contractors.

(C) Certificate Holder: An individual who has satisfactorily passed the NICET Level III Fire Sprinkler Technicians written competency examination.

(D) Grandfathered Qualifier: An individual who qualified for certification not by passing the NICET Level III written examination, but by meeting the alternate requirements that were in effect prior to September 1, 1985.

(E) Qualifying Representative: A certificate holder or grandfathered qualifier who is listed on the certificate of the fire sprinkler contractor as having met the Board's requirements to obtain a sprinkler contractors license.

(F) Sprinkler Contractors License: The license issued to sprinkler contractors who have met the statutory requirements and regulatory requirements for licensure. The license certificate will be issued in the name of the fire protection sprinkler contractor with the name or names of the certificate holder(s) and/or grandfathered qualifier(s) on the license.

(G) Certification Card: A card issued to those who have met the qualifications of either a NICET III certificate holder or a grandfathered qualifier. Those holding a certification card will also be listed on the license certificate of the licensed fire protection sprinkler contractor.

29-75. Applications, Fees.

(A) Application

A person desiring to qualify for a sprinkler contractor's license shall submit to the Board on standard forms provided by the Board an application completed according to instructions with the following information:

- (1) Name and address of fire protection sprinkler company.
- (2) Name and home address of NICET III or IV Technician Certification certificate holder.
- (3) Certification that the certificate holder is a full-time owner, partner, officer or in a full-time management position with the applicant.
- (4) Notarized signature of owner, partner or officer of the applicant.
- (5) Proof of liability insurance of at least the minimum amounts set forth in Section 40-10-270 of the South Carolina Code of Laws and purchased from an insurer authorized to do business in this State by the South Carolina Department of Insurance.

(B) Fees

(1) A license fee of \$250.00 shall accompany each application for licensure. The \$250.00 includes a sprinkler contractor's license issued to the fire protection sprinkler contractor and one certificate holder or grandfathered qualifier to be listed on the license certificate. A certificate holder or grandfathered qualifier will also be issued a wallet-sized identification card stating that he is qualified by this Board as a fire protection sprinkler protection qualifier.

(2) Other certificate holders or grandfathered qualifiers applying to be listed on the sprinkler contractor's certificate must also make application and pay a fee of \$250.00 per person. Individuals applying to be listed as extra qualifiers for a fire sprinkler contractor do not have to furnish proof of liability insurance.

29-80. Certificate Holder; Grandfathered Qualifier.

(A) In no case is a certificate holder or grandfathered qualifier allowed to act as a qualifying representative for more than one fire protection sprinkler contractor at one time.

(B) If a certificate holder leaves the employment of the fire protection sprinkler contractor, he must notify the Board within thirty days. The certificate holder is not eligible to qualify more than one other fire protection sprinkler contractor for a period of twelve months. The fire protection sprinkler contractor has six months to submit a new application and fee on another certificate holder who must be a full-time owner, partner, or officer of in a fulltime managing position of the applicant. Failure to apply for a new license within the six-month period will result in the revocation of the license of the fire protection sprinkler contractor.

(C) Failure of the fire protection sprinkler contractor or the certificate holder or qualifying representative to notify the Board within thirty days after termination of employment by the fire protection sprinkler contractor is grounds for revocation of the license of the fire protection sprinkler contractor.

29-85. Transfer of Qualifications.

(A)(1) A certificate holder may transfer his NICET III qualifications from one licensed fire protection sprinkler contractor by completing an affidavit form showing his new employer and returning his certification card to the South Carolina Licensing Board for Contractors. A new card will be issued with the original expiration date and the certificate holder's name will be added to the license certificate of the new employer. There is no charge to transfer qualifications from one licensed fire protection sprinkler contractor to another licensed fire protection sprinkler contractor.

(2) A certificate holder may transfer his NICET III qualifications from a licensed fire protection sprinkler contractor to an unlicensed fire protection contractor who is applying for a South Carolina sprinkler contractor's license by completing an application as outlined in Section 29-75(A). The applicant for the

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sprinkler contractor's license must pay the original license fee of \$250.00. There is no additional charge to the certificate holder.

(B) A grandfathered qualifier cannot transfer his qualifications to any other fire protection sprinkler contractor. If a grandfathered qualifier leaves the employ of the licensed fire protection sprinkler contractor with which he originally qualified, he cannot qualify any other fire protection sprinkler contractor for a South Carolina sprinkler contractor's license.

29-90. Renewals.

(A)(1) Sprinkler contractors licenses expire on July 31 of each year. Renewal fee is \$100.00 and includes renewal of the sprinkler contractor's license and one qualifying representative.

(2) Licenses not renewed by midnight on July 31 will be expired and can be reinstated by completing an original application and paying the original application fee of \$250.00.

(B)(1) Certification cards expire at midnight on July 31 of each year. Renewal fee is \$100.00 per card holder.

(2) Certification card holders who qualified by meeting the NICET III qualifications, who do not renew by midnight on July 31, can be reinstated by making application as described in Section 29-75(B)(2) and paying the original license fee of \$250.00.

(3) Grandfathered qualifier certification cards expire on July 31 of each year. Grandfathered qualifier cards that are not renewed by midnight July 31 will be expired and cannot be renewed.

29-100. Exemptions.

(A) The provisions of this chapter do not apply to licensed mechanical contractors performing emergency repair work on existing fire protection sprinkler systems or existing water foam systems where the labor cost of the work does not exceed one thousand dollars, or to persons engaged in the repair, alteration, maintenance, or inspection of a fire protection sprinkler system or water spray system or water foam system on their own property or that of their normal employer.

(B) Plumbing contractors holding a group 2 or 3 plumbing classification, are not required to be licensed under this chapter to install standpipe systems, including hose connections, hose cabinets and related branch lines, provided that they do not supply automatic fire protection sprinklers.

(C) A utility contractor holding a group 2 or 3 utility contractor license with a water line classification is not required to be licensed under this chapter to install underground water mains, hydrant mains, and fire hydrants to the point of the connection to the underground fire protection sprinkler system mains.

29-105. Plan Review Fees.

(A) The Division of State Fire Marshal may charge a fee of one cent a square foot for sprinkler plan and specification review or twenty five dollars a hose station on standpipe risers for wet or dry standpipe plan and specification review.

(B) Payment of all fees due the Division of State Fire Marshal shall be made no later than forty-five calendar days after the date of the initial billing or shall be considered delinquent.

(C) Delinquent fees not paid after forty-five calendar days, but paid on or before ninety calendar days after the initial billing date, shall be increased by an amount equal to ten percent of the initial bill but not less than ten dollars.

(D) Delinquent fees not paid after ninety calendar days of the date of the initial billing shall be increased by an additional amount equal to thirty percent of the initial bill, but not fewer than thirty dollars.

(E) Nonpayment of delinquent fees after ninety calendar days from the initial billing date shall be grounds for revocation of the license of the fire protection sprinkler systems contractor's license under provisions contained in Section 29-110 of the regulations.

29-110. Violations, Complaints.

(A) Violations

(1) Whenever the Board has reason to believe that any person is or has been violating any provisions of this chapter this Board may prefer charges listing the violation(s) and schedule a hearing to address the charges.

(2) If, after the hearing, the charges are found to be proven, the Board may issue an order requiring the person to cease and desist from any further unlawful action and to take such affirmative action as in the judgment of the Board will carry out the purpose of the Fire Protection Sprinkler Systems Act.

(3) If a violation is found, where in the Board's judgment, the public interest could be irreparably harmed by delay caused by a hearing, the Board may issue a temporary cease and desist order, with a provision therein for a prompt hearing upon request, to determine if the order should be made permanent.

Prior to the issuance of a temporary cease and desist order, notice will be given whenever possible by telephone or otherwise, to the accused of the proposed order.

(4) Those accused of violating any provisions of this chapter who are found guilty at a hearing or enter a plea of guilty in lieu of a hearing, or fail to request a hearing following service of a temporary cease and desist order, may be fined an amount not to exceed \$250.00 for each day the violation exists.

(5) A violation is considered to be any of the following:

(a) Noncompliance with any of the statutes and regulations of the Fire Protection Sprinkler Systems Act.

(b) Actively engaging in the planning, sale, installation, repair, alteration, addition, or inspection of a fire protection sprinkler system, water spray or water foam system without a valid sprinkler contractor's license.

(c) Performing work in the planning, installation, repair, alteration, addition or inspection of a fire protection sprinkler system, water spray or water foam system that is not in compliance with the publications listed in Section 40-10-240 of the Fire Protection Sprinkler Systems Act as determined by the office of the State Fire Marshal.

(B) Complaints

(1) Any person may prefer charges against a fire protection sprinkler contractor. The charges must be in writing and sworn to by the complainant and submitted to the Director of the Board.

(2) Upon receipt of a complaint, the Board will furnish the fire sprinkler contractor a copy of the charges and initiate an investigation to determine the facts of the complaint.

(3) The complaint and the investigation report will be presented to the Board at the next regular or special Board meeting. The Board may find the charges without merit and dismiss the complaint, or find there is cause for a hearing to determine if the license of the sprinkler contractor should be revoked.

(4) The Board may revoke the sprinkler contractor's license of any fire protection sprinkler contractor found guilty of any provisions of this chapter, failure to comply with a cease and desist order or any fraud or deceit in obtaining a license, or of gross negligence, incompetence or misconduct in the practice of the profession. Gross negligence, for the purpose of this chapter, shall be defined as contrived and/or habitual failure to design and/or install sprinkler or standpipe systems in accordance with plans, specifications, building codes or the publications of the National Fire Protection Association pursuant to Section 40-10-240 of the 1976 Code of Laws as amended.

(5) A unanimous vote of the members of the Board present is required to revoke a license.

(6) The Board may reissue a license to any sprinkler contractor whose license has been revoked if four or more members of the Board vote in favor of reissuance.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Contractors Practice Act.

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Document No. 4230
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.
35-23. Continuing Education Requirements; Expired Licenses.

Synopsis:

To satisfy the requirements of licensure for cosmetologists, estheticians, and nail technicians, Regulations 35-1 and 35-23 are updated in conformance with the current Board of Cosmetology Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 35 are modified as provided below. All other items and sections remain unchanged.

Text:

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

(A) Any person, firm, or corporation desiring to open any public or private cosmetology, nail technology, or esthetics school (hereafter referred to as "school") shall make application to the State Board of Cosmetology at least sixty (60) days prior to the anticipated opening date. Such application shall be made on a form prescribed by the board. Each application shall be accompanied by the required application fee. In addition, said applicant shall make available to the board at the time of filing the following information:

- (1) Name of owner if solely owned, names of partners if a partnership, names of corporate officers and their respective office if a corporation; and
- (2) The name of the school, its location, and the complete mailing address; and
- (3) Floor plan drawn to scale showing placement of all equipment with all areas designated to include a clinic, dispensary, classroom, office, and restrooms/dressing rooms; and
- (4) Other information which the board deems important in consideration of application may be required.

(B) Cosmetology schools shall have a minimum of two thousand five hundred (2,500) square feet of floor space to accommodate no more than sixty (60) students at any given time. For more than sixty (60) students, additional space shall be designated proportionately. Minimum square footage for the clinic area of the school must total sixty (60) square feet per workstation.

(1) Each cosmetology school implementing a nail technology course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(2) Each cosmetology school implementing an esthetics course shall designate at least two hundred forty (240) square feet of enclosed floor space for every ten esthetics students or fraction thereof. Enclosed space shall mean walls or partitions with a minimum height of six feet. Enclosed space shall be visually separated from adjoining areas.

(C) Nail technology schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(D) Esthetics schools shall have a minimum of one thousand five hundred (1,500) square feet of floor space to accommodate no more than thirty-five (35) students at any given time. For more than thirty-five (35) students, additional space shall be designated proportionately.

(E) Combination nail technology/esthetics schools shall have a minimum of two thousand (2,000) square feet of floor space to accommodate no more than forty-five (45) students at any given time. For more than forty-five (45) students, additional space shall be designated proportionately.

(F) Application Approval/Disapproval. Upon receipt of the properly completed application, prescribed fee and a detailed floor plan, the board may require a meeting with the applicant to discuss the proposed school.

(1) The board shall review the application at the next scheduled board meeting following receipt of the completed application and must report the approval or denial of the proposed school.

(2) If the board denies the application, the applicant shall be promptly notified in writing of the specific reasons of denial. Upon approval of the application, the board shall so notify the applicant and schedule a preliminary inspection for the purpose of determining the suitability of the proposed school's space and design. The inspection shall be conducted by the department and reported to the board.

(G) Final Inspection/License Issued.

Prior to the final inspection, every school shall furnish:

- (1) A list of board approved equipment and sufficient training supplies, by quantity and type; and
- (2) A proposed course of study and schedule, in compliance with the board's mandatory minimum standard curriculum which said school shall teach; and
- (3) A list of texts and materials conducive to learning the prescribed curriculum; and
- (4) A schedule of the hours and days of the week the school will be in operation; and
- (5) The name and address and license number of each registered instructor to be employed. Each school shall employ at least one instructor for each course offered. If the number of students attending in any particular course is greater than twenty (20), then one additional instructor shall be employed for each twenty (20) additional students, or fraction thereof, attending; two instructors if the number of students in attendance in the school shall be more than forty (40), then one instructor for each additional twenty (20) students in attendance shall be employed; and

(6) A surety bond to the board issued by a licensed bonding company doing business in this state except in the case of a public school district. Such bond shall be in the penal sum as set forth in the statute, per location, and shall be conditioned upon the faithful performance of the terms and conditions of all contracts entered into between the school and persons enrolling therein. Suit on the bond may be brought by any student injured by the breach of any of the conditions of the approved contract between the student and the owner of the school on pre-paid tuition only. The bond shall be to the State of South Carolina in favor of every person who pays or deposits any money with the school as payment for instruction. Every bond shall continue in force and in effect until notice of termination is given by registered mail to the board and every bond shall set forth this fact; and

(7) After the inspection and approval, a license to operate the school shall be issued.

(H) Change of Location/Ownership/School Closing.

If, at any time during the year, the physical plant or operation of a school is moved to a new location or address, or if ownership is transferred, or if the controlling interest of a partnership or corporation is altered in such a way as to affect the ownership, or if the name of the school changes, then the license for such school shall become void and a new application shall be filed.

(1) Upon receipt of application and prescribed fee for change of school owner and/or school name, the application shall be promptly processed and, if approved, a license issued. Proof of bond transferal must be required.

(2) No school shall be reopened at a new location, until a new application is received by the board, accompanied by the prescribed fee. The same application and application procedures as a new school shall apply.

(3) Any school terminating its operation shall inform the board at least thirty (30) working days prior to the anticipated termination date and in addition properly terminate its students. If the school is being transferred to a new owner the school must certify and transfer, to the new owner, any and all student records. If the school is being closed, certified student records must be provided to the board in a format approved by the board on or before the last day of operation. The school must provide to each current student a certified transcript detailing hours obtained, completed, and for which the school has been compensated.

(4) Prior to school closure, a record of all students' transcripts, who are currently enrolled and who have met contractual obligations, must be submitted within ten working days, via certified mail, to the board office.

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(5) If a school desires to relocate temporarily, it shall notify the board to receive approval.

35-23. Continuing Education Requirements; Expired Licenses.

(A) All persons licensed by the board as cosmetologists, nail technicians and estheticians must show satisfactory evidence of twelve (12) contact hours of instruction during the preceding licensing year. At least three (3) hours of instruction shall be in sanitation or health and safety for clients.

(B) Initial License. Any person shall not be required to complete continuing education during the first licensing period. During the second licensing period and thereafter, the continuing education requirements shall apply.

(C) Expired License. Any license expired for up to three (3) years may be reinstated if the applicant pays the reinstatement fee and submits proof to the board of completion of continuing education requirements for renewal.

(1) After three (3) years, the license is no longer renewable by payment of fees.

(2) After three (3) years expiration of a license, the full examination must be repeated (practical and theory). The license will then be considered on the same basis as a newly licensed individual.

(D) Instructor License—All persons licensed by the Board as instructors must show satisfactory evidence of twelve (12) contact hours of instruction geared toward teaching during the preceding licensing year.

(E) Employment on military installations—All persons employed in salons on military installations outside of South Carolina, who desire an active license shall be exempt from completing any continuing education requirements, so long as he/she is actively employed on said military base and can provide proof of employment.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Cosmetology Practice Act.

Document No. 4232
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, 40-15-40, 40-15-140, and 40-15-275

39-5. Registration of Licenses or Certificates.

39-6. Annual Election of the Board.

39-7. Executive Director.

Synopsis:

To satisfy the requirements of licensure for dentists, dental hygienists and dental technicians, Regulations 39-5 through 39-7 are updated in conformance with the current Board of Dentistry Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 39 are modified as provided below. All other items and sections remain unchanged.

Text:

39-5. Registration of Licenses or Certificates.

A. Every licensed dentist or dental hygienist and every registered technician shall keep the Board informed of their current mailing address.

B. The Board will notify any dentist, dental hygienist or technician of the expiration of his/her license or certificate.

C. Any person whose license or certificate has expired and who wishes to have the same reinstated must notify the Board of this in writing. Such notification must set forth the reasons for seeking to have the same reinstated and the reasons why the same has expired. Thereafter the Board may require a reexamination of the person whose license or certificate has expired or may require the person to appear before the Board and explain why the license or certificate has expired.

D. In Section 40-15-170 of the Code of Laws of South Carolina, 1976, there is a requirement that affects your license: ". . .The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years shall be deemed inactive. Provided, that the time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration shall not be construed as absence from or failure to practice in the State. Relicensing after an absence of over six years can be made at the discretion of the Board upon proof of high professional fitness and moral character."

E. Relicensing can be made at the discretion of the Board upon proof of high professional fitness and moral character.

F. Each licensed dentist, licensed dental hygienist and registered dental technician shall complete as a requirement for relicensure the following accredited continuing education on a two-year continuous cycle basis. The licensee/registrant shall certify on the relicensure/registration form that he/she has taken and can verify the required number of hours specified below. Verification shall be in the form of a record of courses taken, continuing hours earned, the date, sponsor and subject matter of the courses. This material shall be maintained for a period of three years from the date of verification to the Board upon licensure/reregistration and, upon request of the State Board or its representative, the licensee/registrant shall provide documentation in the form of certificates or attendance or letters from course sponsors as proof of attendance.

(1) All dentists shall complete a minimum of fourteen (14) continuing education hours per year or twenty-eight (28) continuing education hours over two (2) years; dental hygienists shall complete a minimum of seven (7) continuing education hours per year or fourteen (14) over two (2) years; dental technicians shall complete a minimum of four (4) continuing education hours per year or eight (8) continuing education hours over two (2) years, in order to be eligible for relicensure or reregistration. Upon licensure by examination of this State, dentists, dental hygienists and dental technicians shall be exempt from continuing education requirements for the first relicensure period.

(2) The continuing education hours must be courses related to the procedures approved for each licensee/registrant such as

- (a) medical and scientific subjects;
- (b) clinical and technical subjects;
- (c) risk management and infection control;
- (d) dental radiology;
- (e) CPR, diet and nutrition.

(3) All dentists and dental hygienists must have completed an approved CPR course within three (3) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every three years. Yearly recertification is not required, but can be used as continuing education hours any time.

(4) Programs that meet the general requirement of Section 2. may be developed and/or endorsed by organizations and agencies such as:

(a) the American Dental Association, Academy of General Dentistry, American Dental Hygienists' Association, American Dental Assistants' Association, National Association of Dental Laboratories, or their local societies and associations;

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(b) national, state, local, district dental specialty organizations recognized by the American Dental Association;

(c) dental colleges or schools accredited by the American Dental Association;

(d) other organizations, schools, and agencies approved by the State Board of Dentistry.

(5) Each dentist, dental hygienist and dental technician licensed/registered by the Board who is not exempt from this regulation, at the time of filing his application for renewal of his license/registration, shall certify on the reregistration form that he/she has taken and can verify the required number of hours. A record of the courses taken, continuing education hours earned, date, sponsor, and subject matter shall be retained for a minimum of three (3) years from the date of attendance. Upon request, the applicant shall provide documentation in the form of certificates of attendance or letters from course sponsors, to the Board as proof of attendance.

(6) Failure to comply with this mandatory continuing education requirement may result in disciplinary action by the Board against the applicant.

(7) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

(8) The Board shall have the authority to decide if a course meets its accreditation criterion, if a question arises.

39-6. Annual Election of the Board.

Notice of the annual election of the Board will be mailed in March to each dentist qualified to vote, according to the records of the Board. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dentists qualified to vote in the election. Any person who is nominated by valid petition may withdraw his name by written notice to the Board. If only one candidate is nominated, he shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. Ballots and return envelopes shall be mailed to every dentist qualified to vote in the election. The candidate receiving the majority of the ballots received by the Board, in the allotted time, will be declared elected. Voters will be allowed approximately ten days to cast their ballot. Annual elections for officers of the Board shall be conducted by the Board at the first meeting held in each calendar year.

Notice of the election of the dental hygiene member of the Board will be mailed in March of the appropriate year (once every six years) to each dental hygienist qualified to vote, according to the records of the Board. Nominations of candidates shall be made to the Board by written petition signed by not less than fifteen dental hygienists qualified to vote in the election. Nominations must be received by the Board within thirty days from the date of the notice announcing the election. Any person who is nominated by valid petition may withdraw their name by written notice to the Board. If only one candidate is nominated, she shall be declared elected. If more than one candidate is nominated, ballots shall be prepared with the names of the nominees in alphabetical order. Ballots and return envelopes shall be mailed to every dental hygienist qualified to vote in the election. The candidate receiving the majority of the ballots received by the Board in the allotted time will be declared elected. Voters will be allowed approximately ten days to cast their ballots.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Dentistry Practice Act.

Document No. 4199
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-43-10 et seq. (2004)

43-237.1. Adult Education Program

Synopsis:

The administration, coordination, and management of adult basic and adult secondary (GED and high school diploma) education for South Carolina adults whose level of educational attainment is below high school level, as prescribed by state and federal laws and regulations, is the responsibility of The State Board of Education.

A Notice of Drafting was published in the *State Register* on July 22, 2011.

Instructions: This regulation will replace 43-237.1. Adult Education Program in its entirety.

Text:

43-237.1. Adult Education Program.

A. Adult Education Program

The program of adult education is provided for adults who want to acquire a basic education, to prepare for the tests of General Educational Development (GED), to develop literacy skills, to obtain the knowledge and skills necessary for employment and self-sufficiency, or to complete the requirements for a state high school diploma. Enrollment in the program of adult education for a state high school diploma shall be limited to adults who are residents in South Carolina.

B. Basic Education Program

The curriculum of an adult basic education program shall include organized and systematic instruction in reading, writing, and speaking the English language, numeracy, problem solving, English-language acquisition, and other literacy skills.

Each adult education program shall provide instruction at the various levels as defined in the National Reporting System for Adult Education (NRS).

Cooperation with other agencies and programs is needed in order for public education to provide for the adult population's variety of needs. A school district with the written approval of the Office of Adult Education may contract with another school district in South Carolina for the operation of the adult program. Diploma programs must have written approval from the Office of Adult Education.

C. Adult Education Facilities

(1) Buildings shall be adequate in size and arrangement.

(2) Buildings shall be kept clean and comfortable.

(3) Each room shall be designed and equipped to serve specific purposes. Adequate lighting, ventilation, and heating shall be provided in all utilized areas.

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(4) All operating adult school facilities shall comply with the safety regulations prescribed by the State Fire Marshal and with the sanitation and health regulations prescribed by the State Board of Health.

D. Health Certificates

All personnel shall be screened for tuberculosis as required by (S.C. Code Ann. Sections 4429-150, 160 (1976)). Guidelines for screening of school employees for tuberculosis are available in all county health departments.

E. In-Service Education

Each adult education director shall develop and implement an organized in-service education program for professional personnel. Staff members should be involved in the planning and evaluation of these activities, which should focus on the problems, needs, purposes, and goals of the adult education program. A copy of the in-service education plan shall be made available to the adult education supervisor upon request.

F. Length of School Term

Each approved adult education high school diploma program shall meet a minimum of thirty (30) weeks and shall include a minimum of sixty (60) hours of instruction for each unit of credit (exclusive of registration, exams, issuing materials, etc.).

G. Supervision of Instruction

Supervision and improvement of the adult education instructional program is the direct responsibility of the adult education director.

H. Allocations to School Districts

State funds shall be allocated to school districts on a per pupil basis as determined by the adult student enrollment as of June 30 each year.

1. General Program Support

Using actual allocations, school districts shall develop a budget that includes the following allowable expenses: directors' salaries, teacher salaries, instructional materials and supplies, "other costs," employee benefits, and indirect costs. These expenditures shall be approved by the Office of Adult Education. Disbursements for teacher salaries, instructional materials, equipment and supplies, and other costs shall be paid at a rate determined by the local board of education.

2. Employee Benefits

Federal and state funds may be used for payment of employee benefits for those employees whose salaries are paid with federal and state funds.

I. Allocations to Other Entities

Allocations of federal funds to other entities that are deemed eligible under the Workforce Investment Act will be made on the same formula basis as school districts.

J. Allocations to Other Eligible Agencies

Allocations to other eligible agencies offering adult education programs shall be based on the enrollment of students who have received at least twelve (12) hours of adult education instruction. The end-of-the-year report shall be used as the basis for determining the amount to be allocated.

K. Base Amount

After the costs of the State Office of Adult Education operations, local directors' salaries, leadership funds, other agencies' funds, special initiatives, and entities' allocations are subtracted from the state and federal grants, the remainder shall be distributed through a formula that considers the number of participants and the number of hours of student attendance of adult education programs. This formula will produce the base amount per student.

L. Nonfundable Classes

No class or course for adults that is recreational or social shall be eligible for funding; therefore, enrollment in such classes shall not be counted for funding purposes, and no state or federal adult education funds may be used to support such classes. This standard applies to physical education and physical fitness classes.

M. Enrollment Count

Adult students shall be counted for enrollment only once during a fiscal year in the same program. Only students who have been instructed a minimum of twelve (12) hours in adult education classes taught by certified adult education instructors or by qualified volunteers shall be counted.

N. Quarterly Claims

The Adult Education Expenditure Report shall be submitted to the Office of Finance on a quarterly basis

O. Expenditure Reports

Program expenditure reports are reviewed quarterly by the staff of the Office of Adult Education to ascertain if expenditures are consistent with allocations

P. Local Funds

Local funds for the adult education program are expended at the discretion of the local school officials.

Q. Project Proposals

Project proposals define the plans and methods by which the program will operate and include a needs assessment of the local community served by the program. No reimbursements are made prior to the final approval of a proposal.

R. Indirect Costs

If a school district chooses to claim indirect costs, the restricted cost rate is applicable to adult education federal funds.

S. Travel Reimbursement

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When travel expenses are reimbursed through the Office of Adult Education, the state employee travel regulation will apply.

T. Membership

The fees for memberships in professional organizations are disallowed as expenditures from state or federal adult education funds.

U. Local Program Income

If the adult education program charges fees for tuition or materials, those funds can only be spent on additional, approved adult education activities. The funds may not go into the district's general fund or be used for any activity other than adult education.

Fiscal Impact Statement:

It is estimated that there will be no fiscal impact.

Statement of Rationale:

The proposed changes are needed in order to correct the office name and revise funding guidelines.

Document No. 4256
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Section 41-29-110

47-23. Offers of Work

Synopsis:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-23 subsection A to update the reference to the 1976 SC Code of Laws section that deals with disqualification of unemployment compensation benefits. Additionally, it seeks to add a new subsection to Regulation 47-23 that will specify the criteria that may be used to disqualify an individual from unemployment compensation benefits for failing or refusing to submit to drug testing administered as a condition of employment.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

Replace Regulation 47-23. (Offers of Work) as printed below.

Text:

47-23. Offers of Work.

A. Section 41-35-120(5) directs that a claimant may be disqualified from the receipt of benefits should he fail without good cause to apply for available suitable work, when so directed by the employment office or the Department; or should he refuse to accept available work when offered him by the employment office or the employer; or should he decline to return to his customary self-employment (if any) when so directed by the department.

B. A written offer of work made directly by an employer shall set out the nature of the work offered, the probable wages and hours per week, the shift or daily hours of the proposed employment, the expected duration of employment, the time and place the claimant should report, and the name of the person to whom he is to report. No disqualification will be imposed by reason of the failure of a claimant without good cause to accept a direct offer of available and suitable work unless the employer submits a copy of such an offer to the Department together with a certification that it was either received and refused by the claimant, or that it was directed by registered or certified mail to the last known address of the claimant and that no response was made by the claimant. Provided, however, that no direct offer of work made in accordance with this regulation shall be considered unless a notice of such offer of work is received by the Department.

C. An oral offer of work may be made directly by an employer, but before a claimant shall be disqualified to receive benefits by reason of his failure to accept, without good cause, available suitable work so offered, a sworn statement shall be submitted by the employer to the Department setting forth that the offer of work was made directly to the claimant, the nature of work offered, the wages and hours per week, the shift or daily hours of the proposed employment, the expected duration of the employment, the time and place the claimant should have reported for duty, and any reason given by the claimant for his refusal to accept the work. Provided, however, that no direct offer of work made in accordance with this regulation shall be considered unless a notice of such offer of work is received by the Department.

D. A claimant who tests positive for drugs after being given a drug test as a condition of employment by a prospective employer shall be deemed disqualified to receive benefits by reason of his failure to accept a suitable offer of work. Also deemed disqualified is:

1. An insured worker who fails to provide a specimen pursuant to a request from the prospective employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

2. An insured worker who provides a blood, hair, or urine specimen during a drug test administered on behalf of the prospective employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

a. The sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel;

b. The test was performed by a laboratory certified by the USDHHS/SAMSHA, the College of American Pathologists or the State Law Enforcement Division; and

c. An initial test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or more accurate scientifically accepted method approved by the USDHHS/SAMSHA;

For purposes of this item, “unlawfully” means without a prescription.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Rationale:

The purpose of amending Regulation 47-23 is to update references to State statute which promotes uniformity and deletes ambiguity in the Department’s regulations. The proposed regulation defines the criteria the

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Department will use to adjudicate claims that involve pre-employment drug testing. There was no scientific or technical basis relied upon in the development of this regulation.

Document No. 4233

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130

- 49-103. Fees.
- 49-104. Examinations--General.
- 49-105. License Expiration, Renewal and Reinstatement--Individuals.
- 49-200. Professional Engineer Licensure Requirements.
- 49-201. Professional Land Surveyor Licensure Requirements.
- 49-202. Classifications and Scopes of Authority: Engineers and Surveyors.
- 49-304. Conflicts of Interest.
- 49-430. Nomenclature.
- 49-460. Survey Types and Requirements.
- 49-602. Requirements.

Synopsis:

To satisfy the requirements of licensure for engineers and surveyors, Regulations 49-104 through 49-105, 49-200 through 49-202, 49-304, 49-430, 49-460, and 49-602 are updated in conformance with the current Board of Engineers and Surveyors Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 49 are modified as provided below. All other items and sections remain unchanged.

Text:

49-103. Fees.

A. The Board will charge fees sufficient to cover expenses for the following:

- (1) Application Fee, Individual License:
 - (a) Engineer-in-Training – NO FEE
 - (b) Professional Engineer by Comity – \$75
 - (c) Professional Engineer by Exam – \$65
 - (d) Temporary License - \$100
 - (e) Surveyor-in-Training – NO FEE
 - (f) Tier A Professional Surveyor by examination – \$65
 - (g) Tier A Professional Surveyor by comity - \$75
 - (h) Tier B Surveyor - \$75

Education evaluation fees may be assessed by independent evaluators when required for licensure.

- (2) Application Fee, Firms
 - (a) Firm (Certificate of Authorization) – \$115
 - (b) Temporary Certificate of Authorization – \$150

(3) Examination Fee – Set by the National Council of Examiners for Engineering and Surveying (NCEES)

(4) Biennial Renewal Fee, Individual - \$100

(a) Biennial Renewal Fee, Individuals dually licensed - \$200

(5) Biennial Renewal Fee, Firm - \$90

(6) Temporary Permits

(a) Individuals - \$100

(b) Firms - \$150

(7) Reinstatements Individuals – Governed by Section 40-22-240

(8) Reinstatements Firms -- \$115 Governed by Regulation 49-106 (B), authorized by Section 40-22-240

B. No fee, or any part thereof, paid by any applicant for application, examination and/or registration will be refunded once an application has been submitted to the Board for processing. Refunds will not be made.

49-104. Examinations--General.

A. Classifications--Engineering Examinations.

(1) NCEES Fundamentals of Engineering (FE).

(2) NCEES Principles and Practice of Engineering (PE).

(3) NCEES Special Structural Engineering Examinations.

B. Classifications--Surveying Examinations.

(1) NCEES Fundamentals of Surveying (FS).

(2) NCEES Principles and Practice of Surveying (PS).

(3) S.C. State Specific Surveying Examination (State-S).

(4) TIER B Land Surveying (State-TIER B LS).

(5) S.C. Board Rules and Regulations.

(6) Principles and Practice of Photogrammetric Surveying.

(7) Principles and Practice of GIS Surveying.

C. Examination for Record Purposes.

(1) Any engineer registered by this Board may take for record purposes one or more of the listed engineering examinations upon payment of a fee as established by the Board.

(2) Any surveyor registered by this Board may take for record purposes one or more of the listed surveying examinations upon payment of a fee as established by the Board.

(3) Failure to pass an examination will not affect current registration.

D. Re-Examination.

(1) An applicant who has failed the same topical examination two times shall provide evidence satisfactory to the Board that steps have been taken in preparation for a third examination on the same topical subject.

(2) A new application will be required of any applicant who has failed the same topical examination three times. The applicant must also provide documentation that additional study satisfactory to the Board was taken in preparation for further examination on the same topical subject.

49-105. License Expiration, Renewal and Reinstatement--Individuals.

A. Expiration and Renewal.

(1) The privilege to practice in any category or tier as a registered professional engineer or surveyor in South Carolina expires on June 30, biennially in even numbered years, unless the license is renewed. Every Registered Professional Engineer and Surveyor who elects to continue the practice of his profession shall complete and submit an application for renewal of licensure and pay the appropriate fee by June 30.

(2) Renewal notices will be mailed to the licensee's address on record with this Board in May each biennial year; however, it is the licensee's responsibility to renew his or her license prior to the official expiration date of June 30.

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B. Reinstatement.

(1) A licensee whose license has lapsed and who can truthfully certify that he or she has not been engaged in the practice of engineering or surveying in South Carolina during the period the certificate was not in a current status, barring any other irregularities, shall be reinstated and retain the original registration number upon payment of the renewal fees and penalties. A licensee whose license has lapsed more than three months may be required to take and pass examinations as required by the Board.

(2) Those persons who cannot certify that they have refrained from practicing their profession in this State during the period in which their license lapsed may be required to show cause to the Board why their license should not be disciplined.

(3) Any person reinstating an expired registration will be required to meet the continuing professional competency requirements.

49-200. Professional Engineer Licensure Requirements.

A. Education Requirements.

(1) The Board will recognize the degrees of Master of Engineering or Master of Science in Engineering in a program accredited by EAC/ABET at either the baccalaureate or masters level as fulfilling the education requirements in satisfaction of the qualifications detailed in Section 40-22-220.

(2) The Board will recognize degrees from an engineering program evaluated as accredited by a foreign accreditation board or other authority recognized by ABET as having accreditation criteria substantially the same as that established by EAC/ABET. Engineering degree programs in this category include the following:

(a) Four-year engineering degree accredited by the Canadian Engineering Accreditation Board (CEAB).

(b) Four-year engineering degree from an accredited program in other countries listed in the ABET published "Washington Accord" document.

(c) Courses taken for credit and appearing on official college or university transcripts must be evaluated by a Board approved Education Consultant. The purpose of such evaluations shall be to determine whether or not the curriculum presented by the applicant complies substantially with accreditation criteria of EAC/ABET. Programs determined by the Board, based upon the evaluations, to be substantially equivalent to those accredited by EAC/ABET will be considered as fulfilling the education requirements.

(3) In addition to transcripts submitted for evaluation by the Education Consultant, an applicant shall have the academic institution furnish the Board such supporting documentation as necessary for a proper and sufficient evaluation.

B. Experience Requirements.

(1) General.

(a) An applicant must have completed the qualifying experience required by the Board by the application deadline. Experience cannot be anticipated. Experience gained prior to completion of degree requirements will not be accepted as qualifying experience.

(b) Qualifying experience must be progressive and of an increasing standard of quality and responsibility after graduation. Where guidelines for qualifying experience are published by NCEES, such guidelines may be used by the Board to evaluate experience of the applicant.

(2) Engineering Experience.

(a) The applicant should have meaningful design experience under the supervision of a registered professional engineer in designing components or processes that meet a public need. This experience should include exposure to the formation of design problem statements and specifications, consideration of alternative solutions, feasibility considerations, analytical calculations and detailed systems descriptions. If the experience was not gained under the direct supervision of a registered professional engineer, then the indirect supervision should be explained with clarification of the degree of supervision received.

(b) Successful completion of a Master's degree in a Board approved engineering curriculum may be accepted as one year of equivalent engineering experience credit. The completion of a PhD in a Board approved engineering curriculum may be accepted as two years of equivalent experience credit. However, in no case will more than two years of equivalent engineering experience credit be given for post baccalaureate education.

(c) For teaching experience to be considered by the Board, the engineer applicant must have taught design courses acceptable by the Board in an engineering curriculum accredited by ABET.

(d) Military experience must have been spent in engineering and of a character substantially equivalent to that required in the civilian sector for like work.

(e) For sales experience to be considered by the Board, the engineer applicant must demonstrate conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalogue or a similar publication will not be considered qualifying engineering experience.

(f) Experience in construction supervision must show proficiency in engineering computational and problem-solving skills in assuring compliance with specifications and designs.

(g) The Board will not accept the mere execution as a contractor of work designed by a registered professional engineer, or the supervision of the construction documents, or similar non-engineering tasks as qualifying engineering experience.

(h) Industrial experience should be directed toward the identification and solution of practice problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing physical systems and the design of new ones.

(3) Engineering Experience.

(a) Qualifying experience must be progressive and exhibit an increasing standard of advancement in the application of technological principles.

(b) Experience must be gained by working under the supervision of a legally practicing engineer or on engineering assignments which exhibit an increasing standard of assigned responsibility.

(c) Industrial experience leading to registration as an associate professional engineer should be directed toward the identification and solution of practical problems in the applicant's area of technological specialization of engineering principles.

(d) Work as laboratory or field technicians where such work is merely the conduct of routine explorations or data acquisition activities shall not be considered as qualifying. In order to be qualifying, the experience should show a demonstrated and satisfactory use of basic engineering computational and problem-solving skills.

C. Examination Requirements.

(1) Engineer-in-Training (EIT).

(a) An applicant applying for certification as an engineer-in-training must take and pass one of the written examinations on the Fundamentals of Engineering (FE), prepared and graded by the NCEES.

(b) The Board may, at its discretion, exempt an applicant from taking the FE examination. These exemptions include the following:

1. An applicant who has earned a doctorate degree in engineering in which the undergraduate degree in the same field of study is accredited by EAC/ABET, and is otherwise qualified under the provisions of the South Carolina Code of Laws at the time the application is received.

2. An applicant with more than fifteen years of acceptable experience after the date of the accredited degree or who has been licensed in another jurisdiction not fewer than 12 years, and is otherwise qualified under the provisions of Section 40-22-220 of the Practice Act, at the time the application is received.

49-201. Professional Land Surveyor Licensure Requirements.

A. Qualifying Experience and Documentation.

(1) Experience must be obtained under the supervision of a registered professional surveyor and must be of a character satisfactory to the Board.

(2) Qualifying experience approved by the Board is experience beyond elementary surveying duties such as chaining, rodman, and bush cutting duties. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Responsibility should involve mature judgment and expertise gained in such job assignments as instrument man, assistant crew chief or crew chief. Work claimed as qualifying experience should demonstrate a sound working knowledge of surveying with respect to research (records and field), instrumentation, note-keeping, calculations and mapping.

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(3) An experience record in boundary and route surveying, topographical surveying, construction surveying, control/geodetic surveying, and rights-of-way delineation is beneficial to the applicant in the Board's evaluation of the application. Recognizing that boundary surveys are the types of surveys which more critically affect the public welfare, experience in boundary surveys should constitute a significant portion of the applicant's experience record and will be given more weight by the Board in considering an applicant's qualifications for licensure.

(4) An applicant must submit copies of three different maps and plats of land surveys on which he has worked. The documents must be signed by the professional land surveyor who supervised the work and contain a statement describing that part of the work done by the applicant. Submitted plats and maps must meet the requirements of the Standards of Practice Manual for Surveying in South Carolina, Chapter 49, Article 4, of the Code of Regulations, in effect at the time of licensure.

(5) An applicant must submit five references as to the applicant's character and quality of work, three or more must be registered land surveyors having personal knowledge of the applicant's qualifications.

B. Examination Requirements--Land Boundary Surveyor.

(1) An applicant applying for certification as land surveyor-in-training must take and pass a written examination on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

(2) An applicant applying for licensure as a TIER A land boundary surveyor must have taken and passed the FS written examination and must take and pass the Principles and Practice of Surveying (PS), prepared and graded by the NCEES, and a South Carolina State Specific Surveying examination.

(3) A person licensed as a professional land boundary surveyor may practice as a professional photogrammetric surveyor only by meeting the requirements as described in the section R.49-201C of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements as described in the section R.49-201D of this Chapter.

C. TIER A Professional Land Boundary Surveyor--Provisions for Geodetic Surveying.

(1) The practice of geodetic surveying is classified under land boundary surveying.

(a) Enforcement of the license requirement for geodetic surveyors will be effective July 1, 2004.

(b) After July 1, 2004 geodetic surveyors applying for licensure must meet all the requirements for land boundary surveyors as outlined in the subsection R.49-201A of this Chapter.

D. TIER A Professional Photogrammetric Surveyor.

(1) After June 30, 2004, any person applying for licensure as a photogrammetric surveyor must meet the following requirements:

(a) Education Requirement--Photogrammetric Surveyor.

1. Education must be evaluated by an Education Consultant and approved by the Board before an application can be considered for further processing.

2. In addition to one of the following degrees, an applicant must submit proof of satisfactorily completing not fewer than 12 semester hours, or the equivalent in quarter hours, of course work specific to the discipline of photogrammetric surveying, satisfactory to the Board:

a. Four-year engineering or bachelor of science degree in a related field from a program accredited by the Related Accreditation Commission (RAC) or the Accreditation Board for Engineering and Technology (ABET).

b. Four-year civil engineering technology degree from a program accredited by the Technology Accreditation Commission (TAC) of ABET.

c. Four-year related baccalaureate degree, or equivalent degree, approved by the Board.

d. Two-year associate degree approved by the Board. Effective July 1, 2010, this degree will not be recognized as meeting the education requirements for registration as a photogrammetric surveyor.

(b) Experience Requirement--Photogrammetric Surveyor.

1. Photogrammetric Surveyor-in-Training.

a. An applicant applying for certification as a photogrammetric surveyor-in-training who meets the four-year education requirements must have one year of progressive practical experience.

b. An applicant who meets the two-year education requirements must have three years of progressive practical experience. Effective July 1, 2010, this provision will be void.

2. Photogrammetric Surveyor.

a. An applicant applying for licensure as a photogrammetric surveyor who meets the four-year education requirements must have four years of progressive practical experience.

b. An applicant applying for licensure as a photogrammetric surveyor who meets the two-year education requirements must have four years of progressive practical experience. Effective July 1, 2010 this provision will be void.

3. Qualifying Experience and Documentation.

a. Experience must be obtained under supervision of a licensed photogrammetric surveyor or a recognized professional in the field of photogrammetry and must be of a character satisfactory to the Board.

b. Qualifying experience approved by the Board is experience beyond elementary level activities. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Work claimed as qualifying experience should demonstrate a sound working knowledge of photogrammetry.

c. At least two years of the required experience must have been at the professional level in responsible charge of photogrammetric mapping projects meeting National Mapping Accuracy Standards.

d. The applicant must submit proof of employment in responsible charge of at least one project as a photogrammetrist. Maps and documents satisfactory to the Board detailing methods, procedures, amount of applicant's personal involvement must be submitted to document this project. These maps and documents must be signed by the professional who supervised the work and contain a statement describing the part or the work done by the applicant. The applicant must submit the name, address and telephone number of references to verify this information.

e. An applicant must submit five references as to the applicant's character and quality of work, three or more must be licensed surveyors or practicing professionals in the field of photogrammetry, having personal knowledge of the applicant's photogrammetric surveying experience.

(c) Examination Requirements--Photogrammetric Surveyor.

1. An applicant applying for certification as a photogrammetric surveyor-in-training must take and pass a written examination on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

2. An applicant applying for licensure as a photogrammetric surveyor must have taken and passed the FS examination and must take and pass an examination on the principles and practice of photogrammetry and an examination on the Board's rules and regulations as referred to in the section R.49-104B(5) of this Chapter.

(2) A person licensed as a professional photogrammetric surveyor may practice as a professional land boundary surveyor only by meeting the requirements of the section R.49-201A of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements of the section R.49-201D of this Chapter.

E. TIER A Professional Geographic Information System (GIS) Surveyor.

(1) After June 30, 2004, any person applying for licensure as a geographic information system (GIS) surveyor must meet the following requirements:

(a) Education Requirement--GIS Surveyor.

1. Education must be evaluated by an Education Consultant and approved by the Board before an application can be considered for further processing.

2. In addition to one of the following degrees, an applicant must also submit evidence of completion of discipline specific courses of not fewer than 12 semester hours or the equivalent in quarter hours satisfactory to the Board.

a. Four-year baccalaureate degree in a related field from a program accredited by the Accreditation Board for Engineering and Technology (ABET).

b. Four-year civil engineering technology degree from a program accredited by the Technology Accreditation Commission (TAC) of ABET.

c. Four-year related baccalaureate degree, or equivalent degree, approved by the Board.

d. Two-year Associate Degree approved by the Board. Effective July 1, 2010, this degree will not be recognized as meeting the education requirements for registration as a Geographic Information System Surveyor.

(b) Experience Requirements--GIS Surveyor.

1. Geographic Information System Surveyor-in-Training.

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a. An applicant applying for certification as geographic information system surveyor-in-training who meets the four-year education requirements must have one year of progressive practical experience.

b. An applicant who meets the two-year education requirements must have three years of progressive practical experience. Effective July 1, 2010, this provision will be void.

2. Geographic Information System Surveyor.

a. An applicant applying for licensure as a geographic information system surveyor who meets the four-year education requirements must have four years of progressive practical experience.

b. An applicant applying for licensure as a geographic information system surveyor who meets the two-year education requirements must have four years of progressive practical experience. Effective July 1, 2010, this provision will be void.

c. An applicant applying for licensure as a geographic information system surveyor who holds a master's degree in surveying, geography, or a related field of study approved by the Board must have three years of practical experience.

3. Qualifying Experience and Documentation.

a. Experience must be obtained under supervision of a licensed geographic information system surveyor or a recognized professional in the field of GIS and must be of a character satisfactory to the Board.

b. Qualifying experience approved by the Board is experience beyond elementary level activities. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Work claimed as qualifying experience should demonstrate a sound working knowledge of GIS.

c. At least two years of the required experience must have been at the professional level in responsible charge of geographic information system mapping projects.

d. The applicant must submit proof of employment in responsible charge of at least one project as a GIS Surveyor. Maps and documents, satisfactory to the Board, detailing methods, procedures, amount of applicant's personal involvement must be submitted to document this project. The map and related project information submitted must include the project information.

e. Maps and documents must be signed by the professional who supervised the work and contain a statement describing the part or the work done by the applicant. The applicant must submit appropriate contact information including the name, address and telephone number of references to verify this information.

f. An applicant must submit five references as to the applicant's character and quality of work; three or more must be licensed surveyors or practicing professionals in the field of GIS having personal knowledge of the applicant's GIS surveying experience.

(c) Examination Requirements--GIS Surveyor.

1. An applicant applying for certification as geographic information system surveyor-in-training must take and pass the written examinations on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

2. An applicant applying for licensure as a geographic information system surveyor must have taken and passed the FS examination and must take and pass an examination on the principles and practice of geographic information systems and pass an examination on the Board's rules and regulations.

F. TIER B Professional Land Surveyor.

(1) An applicant shall be licensed as a TIER A Land Boundary Surveyor prior to submitting an application for licensure or registration as a TIER B Land Surveyor.

(2) An applicant must meet the requirements of education, experience and examinations.

(a) Examinations--TIER B Land Surveyor.

1. An applicant must have taken and passed the written examinations required for licensure as a TIER A Land Boundary Surveyor which include the FS and PS examinations, prepared and graded by the NCEES, and the State Specific Land Surveying Examination.

2. An applicant must also take and pass a special written examination pertaining to the practice of TIER B land surveying in the State which includes the design of storm drainage systems and preparation of sedimentation and erosion control plans associated with the development of residential subdivisions.

(3) A TIER B land surveyor may practice as a professional photogrammetric surveyor only by meeting the requirements of the section R.49-201D of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements of the section R.49-201E of this Chapter.

49-202. Classifications and Scopes of Authority: Engineers and Surveyors.

A. Category A Professional Engineer.

(1) A professional engineer who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practice experience, is qualified to practice engineering as defined in Section 40-22-20 of the Practice Act, all as attested by his legal license and registration as a professional engineer in this State, is classified as a Category A license holder.

(2) The Category A professional engineer license holder is entitled to the unrestricted practice of engineering as described in Section 40-22-20 of the Practice Act.

B. Category B Associate Professional Engineer.

(1) An associate professional engineer is qualified to practice within the profession of engineering in the restricted manner defined in the Code and as attested by his recognition and registration as an associate professional engineer in this State is classified as a Category B license holder.

(2) The practice of Category B associate professional engineers is subject to certain restrictions:

(a) An associate professional engineer must not assume direct responsibility, direct supervisory control or responsible charge for engineering work as an independent practitioner, or for engineering work provided by or through a "private practice organization" as defined by statute.

(b) Work by a Category B associate professional engineer employed by a "private practice organization" must be under the direct responsibility, supervisory control, and responsible charge of a Category A professional engineer.

(c) Where documents are required to be submitted to building officials and other authorities having jurisdiction for government review, approval or permitting, and where such documents are required to be submitted under the signature or seal of a Professional Engineer, the documents must be prepared by or under the responsible charge of and submitted only by a Category A professional engineer.

(d) A Category B associate professional engineer shall not, by title, verbal claim, sign, advertisement, letterhead, card or in any other way, represent himself to be a Professional Engineer.

(3) A Category B associate professional engineer may apply for an unrestricted Category A professional engineer license provided the requisite supplemental education is acquired to qualify under one or more of the provisions as described in the section R.49-200 of this Chapter. An associate engineer licensed for Category B practice as of July 1, 2006, may continue to practice under the conditions provided for in Regulation 49-202(B) or an identical successor regulation. As of July 1, 2020, Category B licensure ceases to exist.

C. TIER A Land Surveyor.

(1) The practice of TIER A land surveying consists of three separate disciplines: (a) land boundary surveying, (b) photogrammetry, and (c) geographic information systems (GIS). A land surveyor may be licensed in one or more of the disciplines and practice is restricted to only the discipline or disciplines for which the land surveyor is licensed.

(2) The scopes of authority for the individual disciplines of TIER A land surveying are identified as follows:

(a) Professional Land Boundary Surveyor (PLS).

1. Locates, relocates, establishes, re-establishes, lays out or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of any fixed works embraced within the practice of land surveying, or makes any survey for the subdivisions of land;

2. Determines, by use of principles of land surveying, the position for any survey monument or reference point; or sets, resets, or replaces such monument or reference; determines the topographic configuration or contour of the earth's surface with terrestrial or extraterrestrial measurements; conducts hydrographic surveys;

3. Conducts geodetic surveying which includes surveying for determination of geographic position in an international three-dimensional coordinate system, where the curvature of the earth must be taken into account when determining directions and distances; geodetic surveying includes the use of terrestrial measurements of angles and distances, as well as measured ranges to artificial satellites;

4. Creates graphical representations of the data related to items C(2)(a)1.2.3 above.

5. Performs work of a professional photogrammetric surveyor as described in the item C(2)(b).

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(b) Professional Photogrammetric Surveyor (PPS).

1. Determines the configuration or contour of the earth's surface or the position of fixed objects thereon by applying the principles of mathematics on remotely sensed data, such as photogrammetry.
2. Creates graphical representations of data relating to the item (b)1 above.
3. Performs work of a land boundary surveyor as described in the item C(2)(a) above or as a geographic information systems (GIS) surveyor as described in the item C(2)(c) below only after obtaining a license in those categories.

(c) Professional Geographic Information System Surveyor (GIS).

1. Creates, prepares, or modifies electronic or computerized data including land information systems and geographic information systems relative to the performance of the activities described in subsections (a) and (b) above.
2. Creates digital spatial data based on integration, interpretations, transformations, and/or the manipulation of primary data sources that affects the health, welfare, or safety of the public.
3. Performs work of a land boundary surveyor as described in subsection C(2)(a) above or as a photogrammetric surveyor as described in the item C(2)(b) above only after obtaining a license in those categories.

(3) The practice of TIER A land surveying does not include the use of GIS or LIS to create maps pursuant to Section 40-22-290 of the Practice Act, analyze data, or create reports.

D. TIER B Professional Land Surveyor.

(1) Persons registered as both Professional Land Surveyor and Professional Engineer are classified as TIER B Professional Land Surveyors.

(2) The practice of TIER B land surveying as described by Section 40-22-20(24) of the Practice Act, and regulated by the Board shall include the authority, within the limits set by these regulations, to practice the design of storm drainage systems and the preparation of sedimentation and erosion control plans associated with the development of residential subdivisions. Included within this practice of TIER B land surveying is the design of stormwater detention or retention facilities incidental to the surveyor's design of storm drainage systems; provided, however, that these facilities are not lakes, ponds or similar impoundments intended to contain water at all times.

(a) As used in this section, the term "residential subdivision" means property developed for single family residences and other type projects where individual lots are established for each residential unit. The density of these projects shall be limited to two lots or units per acre. Apartment projects and projects for developments of commercial or industrial properties are not included within the scope of authority.

(b) Where reference has been made to "lakes, ponds or similar impoundments intended to contain water at all times," such reference is not intended to limit a TIER B Land Surveyor's authority to prepare calculations pertaining to the hydrology or hydraulics of these impoundments. It is expected, however, that such impoundments will require a more detailed analysis and design with respect to soil mechanics. Consequently design of impoundments intended to contain water at all times should be based upon appropriate geotechnical evaluations conducted under the direction of a licensed engineer experienced in such matters. The geotechnical investigations and report should, as a minimum, evaluate site conditions and provide recommendations for materials and methods of construction of the impoundment.

(3) The practice of TIER B land surveying shall not include the design of drainage structures, drainage systems, or other drainage features which are not incidental to the development of a residential subdivision. Projects which are purely drainage in nature or where a subdivision of a parcel of land into small parcels is not involved shall not fall within the scope of practice authorized for TIER B land surveyors. The design of such features as water systems, sanitary sewer systems, surcharged storm drainage systems or pumping stations which may also be incidental to the project are not included in this practice. The exclusion from the scope of authority of the design of "surcharged storm drainage systems" is not intended to apply to submerged outlet pipes routinely used in detention and retention basins.

(4) The practice of TIER B land surveying is further limited to the use of predesigned structures, which are approved by the county or municipal governmental agency having jurisdiction. Where standard design structures cannot be used because of extra loading, extreme depth or unusually large size, the structure shall be designed by a licensed engineer. "Predesigned Structure" is intended to cover two situations:

(a) As used in this section, the standard design for catch basins, junction boxes, and headwalls that are specified by local governments will be considered "predesigned".

(b) As used in this section, precast basins, junction boxes, and headwalls produced by concrete companies are considered as "predesigned" and may be used where allowed by the local authority.

(5) In exercising powers of a TIER B Land Surveyor, the surveyor shall undertake to perform only those assignments for which he is authorized by the statute and these regulations and for which he is qualified by education or experience in the specific technical area of TIER B land surveying involved.

49-304. Conflicts of Interest.

The Engineer or Surveyor shall avoid conflicts of interest.

A. The Engineer or Surveyor shall conscientiously strive to avoid conflicts of interest with employer or client, but when unavoidable, the Engineer or Surveyor shall forthwith disclose the circumstances to his employer or client. In addition the Engineer or Surveyor shall avoid all known conflicts of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his service.

B. The Engineer or Surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to, by all interested parties.

C. The Engineer or Surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their projects.

D. The Engineer or Surveyor shall not solicit or accept gratuities, directly or indirectly from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.

E. When in public service as a member, advisor, or employee of a governmental body or department, the Engineer or Surveyor shall not participate in considerations or actions with respect to services provided by him or his organization in private engineering or surveying practices.

49-430. Nomenclature.

A. In surveying work, it is acceptable to employ abbreviations and symbols. When use of such abbreviations and symbols are necessary, the following are acceptable and may be employed in land surveying work in South Carolina:

- (1) Acres: AC
- (2) Acrylonitrile Butadiene ABS
- (3) Angle: Ang
- (4) Avenue: AV
- (5) Azimuth: Az
- (6) Bench Mark: BM
- (7) Catch Basin: CB
- (8) Calculated Course(s): CC
- (9) Calculated Distance: CD
- (10) Corrugated Metal Pipe: CMP
- (11) Crimp /Clip/Pinch Top: CT
- (12) Curb Face: CF or FOC
- (13) Curb Inlet: CI
- (14) Curb and Gutter: CG
- (15) Chord: CH
- (16) Center Line: CL or C/L or CL
- (17) Concrete Monument: Con. Mon.
- (18) Continuously Operating Reference Station: CORS
- (19) Degree of Curve: D
- (20) Deed Book: DB

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- (21) Deflection Angle: Defl Ang
- (22) Departure: Dep
- (23) Ductile Iron Pipe: DIP
- (24) Drop Inlet: DI
- (25) Drill Hole: DH
- (26) Delta Angle : Δ or I
- (27) Double Meridian Distance: DMD
- (28) Easement: ESMT
- (29) East: E
- (30) Error of Closure: EC
- (31) Elevation: EL
- (32) Edge of Pavement: EP
- (33) Foot: Ft.
- (34) Found: Fd. or F
- (35) Global Navigation Satellite System: GNSS
- (36) Global Positioning System: GPS
- (37) Global'naya Navigatsionnava SputnikovavaSistima: GLONASS
- (38) Gutter: Gut
- (39) Highway: Hwy
- (40) Invert Elevation: I.E. or Inv.
- (41) Iron Pipe, Set: IPS
- (42) Iron Pipe, Found: IPF
- (43) Length of Curve: L or Arc
- (44) Latitude: Lat
- (45) Long Chord: LC
- (46) Mag Nail: MN
- (47) Magnetic course: MC
- (48) Manhole: MH
- (49) Mile: Mi
- (50) Marker: Mk
- (51) Monument: Mon
- (52) Nail and Cap: N & C
- (53) New: N or (N)
- (54) Not To Scale: NTS
- (55) North: N
- (56) North American Datum 1927: NAD 27
- (57) North American Datum 1983: NAD 83
- (58) North American Vertical Datum 1988: NAVD 88
- (59) National Geodetic Survey: NGS
- (60) National Geodetic Vertical Datum 1929: NGVD 29
- (61) Offset: O.S. OR O/S
- (62) Old: O or (O)
- (63) On-line Positioning User Service (NGS): OPUS
- (64) Parts Per Million: PPM
- (65) Perimeter: P
- (66) Pavement: Pave
- (67) PK Nail: PK
- (68) Plat Book: PB
- (69) Point of Beginning: POB
- (70) Point of Curvature: PC
- (71) Point of Compound Curve: PCC
- (72) Point on Curve: POC
- (73) Point of Intersection: P.O.I. or P.I.

- (74) Point of Tangent: POT
 - (75) Point of Reverse Curvature: PRC
 - (76) Point on Tangency: PT
 - (77) Point: Pt
 - (78) Polymerized Vinyl Chloride: PVC
 - (79) Position Dilution of Position: PDOP
 - (80) Private: Pvt
 - (81) Property Line: PL
 - (82) Radius: R
 - (83) Reference Point: RP
 - (84) Railroad: RR
 - (85) Railroad Spike: RRS
 - (86) Reinforced Concrete Pipe: RCP
 - (87) Register of Mesne Conveyance: RMC
 - (88) Railway: Rwy
 - (89) Real Time Kinematic Surveying: RTK
 - (90) Real Time Network: RTN
 - (91) Rebar: RB
 - (92) Register of Deeds: ROD
 - (93) Right of way: R/W
 - (94) Satellite Receiver for RTK or VRS Surveying: Rover
 - (95) Satellite Receiver Base Station: Base
 - (96) South: S
 - (97) SC State Plane Coordinate-South Zone NAD 27: SC SPCS 27
 - (98) SC State Plane Coordinate NAD 83: SC SPC 83
 - (99) South Carolina Geodetic Survey: SCGS
 - (100) Square: Sq
 - (101) Square Feet: SF or FT²
 - (102) Street: St
 - (103) Station: Sta
 - (104) Stake: Stk
 - (105) Tangent of Curve: T
 - (106) Tack: Tk
 - (107) Traverse: Tra
 - (108) Track: Trk
 - (109) US Bureau of Standards: USBS
 - (110) Vertical: Vert
 - (111) Vitrified Clay Pipe: VCP
 - (112) Virtual Reference Station Network: VRS
 - (113) West: W
 - (114) Wood: Wd
 - (115) Symbols:
 - (a) Degree: o
 - (b) Minute: '
 - (c) Second: "
 - (d) Foot or Feet: '
- B. The following are acceptable abbreviations for metric measures:
- (1) Area: A
 - (2) Centimeter: CM.
 - (3) Decimeter: DM.
 - (4) Hectare: HA.
 - (5) Kilometer: KM.
 - (6) Meter: M

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(7) Millimeter: MM.

(8) Square Meter: M²

C. Definitions: The following definitions and terminology shall be used in land descriptions:

(1) Boundary Line: Any line bounding an area or dividing separate properties; adequately dimensioned and described. Such lines may be straight, irregular, circular, or spiral.

(2) Point of Beginning: A well defined, readily located, and permanent point or monument that is the starting point on a parcel for a metes and bounds description; and also is the final point of such description.

(3) Point of Commencement: A well defined, readily located, and permanent point or monument that is the point to which the Point of Beginning is tied for a permanent reference.

(4) Convey: The act of transferring title or rights to a property.

(5) Grantor: A person or party conveying property or rights to a grantee.

(6) Grantee: A person or party receiving title or rights to property.

(7) Title: A written claim or right which constitutes a just and legal cause of exclusive possession.

(8) Metes and Bounds Description: A description in which the boundary lines start from a given point and is described by listing the direction, distance, and description of corners of the lines forming this boundary; in succession and adjoining owners.

(9) Description by Lot Number: A description which identifies a lot or tract of land by reference to a previously surveyed subdivision plat together with other pertinent information.

(10) Recorded: Placed on record in the office of the Clerk of Court, Register of Deeds or Register of Mesne Conveyance for the county in which all or part of the land lies.

(11) Coordinate Description: A description of lands in which the angle points or other points in the boundary are each referred to by grid coordinates on the South Carolina State Plane Coordinate System (current Datum) or similar coordinate system.

(12) Grid Coordinates: Distances measured at right angles to each other in a rectangular system having two base lines at right angles to each other.

(13) Survey: The orderly process of determining data relating to the physical characteristics of the earth, which may be further defined according to the type of data obtained, the methods and instruments used, and the purpose(s) to be served.

(14) Boundary Survey: A survey, the primary purpose of which may include, but is not limited to, the determining of the perimeters of a parcel or tract of land by establishing or reestablishing corners, monuments, and boundary lines for the purpose of describing, or platting or dividing the parcel.

(15) Closing/Loan or Mortgage Survey: A boundary survey of a parcel or lot which includes all improvements obvious and apparent found on the property, to be used in the preparation of a mortgage, loan or deed document.

(16) Topographical Survey: A survey of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations.

(17) Compiled Map: A map drawn from previously recorded or unrecorded documents, photographic material or tax maps which represent the general configuration of the parcel where partial or no actual surveying has been performed by the land surveyor preparing the map.

(18) Right of Way Survey: A Survey of any strip or area of land, including surface, overhead, or underground, granted fee simple for a designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways, and other roadways, or other similar uses.

(19) Geodetic Survey: A survey of areas and points affected by and taking into account the curvature of the earth using a nationally defined horizontal and vertical datum. Geodetic surveys may be performed with terrestrial or satellite surveying technology but must be connected to the coordinate realization of the North American Datum 1983 or other recognized datum. All geodetic surveys, both vertical and horizontal, in the State of South Carolina shall conform to the Federal Geographic Data Committee's Geospatial Positioning Accuracy Standards, Part 2: Standards for Geodetic Networks in their most current publication. Geodetic surveys shall be performed by a surveyor licensed by this board.

(20) Geodetic Datum: The recognized horizontal and vertical datum for South Carolina shall be North American Datum 1983 (NAD83) and North American Vertical Datum 1988 (NAVD88) respectively, or later accepted datum if applicable. The National Geodetic Survey no longer publishes relative accuracies such as first, second or third order. Instead, accuracies are now published as relative network positional accuracy stated at the 95% confidence level. These positional accuracies are in complete agreement with the Federal Geographic Data Committee.

(21) State Plane Coordinate System: The official coordinate system for surveying purposes in South Carolina is the South Carolina State Plane Coordinate System, single zone Lambert Polyconic Projection designated by the National Geodetic Survey as Zone 3900. For the purpose of the South Carolina State Plane Coordinate System, the foot is the International Foot with one inch being exactly 2.54 centimeters. To convert metric coordinates to the international feet multiply by 3.280839895.

(22) Hydrographic Survey: A survey having for its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data; depth of water and configuration of bottom; directions and force of current; heights and times and water stages; and location of fixed objects for survey and navigation purposes.

(23) Wetlands Survey: A survey showing the boundaries of an area delineated as "jurisdictional waters of the US." Wetland Boundaries shall be tied by course and distance to either 1) property corners that are properly monumented, or 2) project boundaries that have been properly monumented, or 3) State Plane Coordinates. This shall be done in a manner that permits future surveyors to readily retrace the wetland boundary. The error of closure of such ties must be consistent with the land use classification of the parcel being surveyed as described in section 49-440 Classification of Surveys. Data collection and platting of these types of wetland boundaries must be performed by or under the direct supervision of a surveyor. A surveyor may not accept wetlands survey data from non-licensed individuals who are not under their direct supervision for the purpose of recording the information on survey plats. If equipment other than survey grade accuracy equipment is used on the survey, a statement indicating the equipment and procedures used for the work must be clearly stated on the plat.

(24) Corner: A point on a land boundary.

(25) Monument: A shaft of ferrous metal, concrete, stone or concrete and metal; placed to designate a fixed point; placed near vertically in the earth; designed for maximum permanency, placed by a land surveyor to mark corners.

(26) Witness Monument: Any monument that does not occupy the same defined position as the corner itself, but whose relationship to the corner is established.

(27) Reference Point: Any defined position that is or can be established in relation to another defined position.

(28) Benchmark: A relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below a referenced datum is known.

(29) Plat: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by a survey and must be signed and sealed by the surveyor.

(30) Map: A representation on a plane surface, at an established scale, of the physical features of a part of the earth's surface, shown by the use of, but not limited to lines, arcs, signs, alpha numeric characters and symbols.

(31) Map of Survey, Plat of Survey, Survey for or other Similar Titles: Any drawing of a parcel or tract of real property used for the purpose of depicting the results of a field survey. Each survey drawing shall state the type of survey it depicts as defined in this manual.

(32) Global Navigation Satellite System (GNSS): Any satellite system which can be used to determine a precise location on the surface of the Earth. The US system is known as NAVSTAR Global Positioning System (GPS). The Russian system is known as the Global'naya Navigatsionnaya Sputnikovaya Sistema or GLONASS. The European Space Agency system is known as GALILEO.

(33) Position Dilution of Precision (PDOP): A numerical measure of the predicted accuracy of a geodetic position determined from GNSS satellites. The term represents the goodness of the geometry of the satellites with respect to the receiver location. A PDOP of 3 or less will generally insure accuracy of the highest survey quality. A PDOP of 5 or less is generally acceptable for most surveying and mapping projects where the distance between Rover and the nearest Base station is less than 10KM.

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(34) **Multipath:** Multipath is an erroneous GNSS distance measurement between a GNSS satellite and either the Rover or Base. The multipath signal results from the receiver using a signal that has been reflected off a structure or water surface on its way to the receiver. The resulting measurement of distance from the satellite to the receiver is longer.

(35) **Base Station:** The name given to a GNSS receiver located over a known point or geodetic control monument.

(36) **Rover:** The name given to a GNSS receiver located over an unknown survey point whose coordinates are to be determined or checked against known geodetic control.

(37) **Static GNSS Survey:** A geodetic survey that uses multiple survey grade satellite receivers each collecting the same satellite data simultaneously. At least one satellite receiver must be on a known geodetic control station. The data are post-processed to yield three dimensional vectors between the known and unknown control stations. Static vectors solutions yield a "no check" solution and therefore by themselves do not meet minimum standards without additional independent checks. An expected relative accuracy of 0.07 foot plus 1:50,000 of the distance separating the Base and Rover can be obtained dependent on the length of time of simultaneous observations, the quality of the receivers, multipath and PDOP of less than 5.

(38) **Static GNSS Positioning of Property Corners:** If GNSS STATIC survey techniques are used to establish SC State Plane Coordinates on property corners, the corners shall be positioned from the nearest two (2) first or second order horizontal control monuments in the National Geodetic Survey (NGS) data base. Property corners shall be positioned to a horizontal accuracy of at least 0.07' + 1/20,000 or 0.2 feet (whichever is smaller) with relation to the nearest NGS horizontal control monument.

(39) **Real Time Kinematic (RTK) GNSS Survey:** A geodetic survey that uses multiple survey grade satellite receivers each collecting the same satellite data simultaneously. At least one Base receiver must be on a known geodetic control station and is capable of transmitting satellite data in real time to other Rover receivers. The data are processed by the Rovers in real time to yield three dimensional vectors between the Base and Rover stations. RTK vectors solutions yield a "no check" solution and therefore by themselves do not meet minimum standards without additional independent checks. RTK surveys require a site calibration to the NAD83 and NAVD88 in the vicinity of the survey. An expected relative accuracy of 0.05 foot plus 1 PPM of the distance separating the Base and Rover can be obtained dependent on the length of time of RTK observations, the quality of the receivers, PDOP of less than 3, a minimum of 5 GPS satellites, multipath and quality of the site calibration.

(40) **VRS GNSS Survey:** A geodetic survey that uses multiple dual frequency survey grade satellite receivers each collecting the same satellite data simultaneously. Base stations are operated by the SCGS and data are streamed to the Rovers via the Internet and processed in real time to yield three dimensional vectors between the Base Stations and Rovers. VRS vectors solutions yield a "network check" solution and therefore will meet minimum standards without additional independent checks. VRS surveys require an "independent check" by occupying a known geodetic control point in the National datum in the vicinity of the survey to verify the proper operation of the Rover. An expected relative accuracy of 0.05 foot can be obtained dependent on the length of time of VRS observations, the quality of the receivers, PDOP of less than 3, a minimum of 5 GPS satellites and minimal multipath.

(41) Classification of Geodetic Surveys (Performed using GNSS Technology)

Type	Relative Accuracy (95%)	Max PDOP	Min # of Satellites	Site Calibration
Static	GNSS 0.07' + 1:50,000	5	4	N
Property Corner	Positions 0.07' + 1:20,000	5	4	N
RTK GNSS	0.07' + 1PPM dist from Base	3	5	Y
VRS GNSS	0.07'	3	5	N

All the above Geodetic Surveys will achieve the required minimum accuracy for Land Surveys

49-460. Survey Types and Requirements.

A. **General Property Surveys:** The following general requirements apply to all survey types included in this manual, other than GIS Surveys and Photogrammetric Surveys (see section 49-450-D and section 49-450-E of these standards for the general requirements of these surveys).

(1) The size of the plat should conform to the requirements of the Clerk of Court, Register of Deeds or the Register of Mesne Conveyance of the county in which the plat is to be recorded with minimum size to be eight and one-half inches by eleven inches.

(2) A plat shall be a print or tracing, signed and sealed with the surveyor's impression seal.

(3) All survey plats shall have a title and contain the following information:

- (a) The embossed seal and the signature of the Surveyor responsible for the full conduct of the survey;
- (b) A location map and/or adequate descriptive location of the property surveyed;
- (c) The state, county and/or city in which the property is located;
- (d) The name of the owner, company or agent of the property who requested the survey document;
- (e) The date the field survey was completed;
- (f) A graphic scale;
- (g) A numerical scale;
- (h) The name, registration number, address and phone number of the land surveyor.

(i) A certification executed by the Surveyor which will contain a statement of the class of the survey performed as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class __ survey as specified therein."

(j) The area of the parcel of tract surveyed will be shown consistent with the class of survey or at least to the nearest one-hundredth (0.01) of an acre.

(k) At least one corner of the property surveyed shall be referenced so as to form a tie-line which can be used to help establish or verify the correct location of the property.

(l) The distances to the nearest intersections of a street or right-of-way shall be shown on the survey document.

(m) The North arrow shall be shown and shall be correlated accurately with the courses so that it is accurately positioned and designated as astronomic, grid or magnetic.

(n) All property lines shall be defined by bearings and horizontal distances and plotted to the scale indicated on the plat.

(o) Bearings and distances shall be shown consistent with the class of the survey.

(p) The Land Surveyor shall retrace the boundaries of the property being surveyed and set or reset monuments or corners consistent with the class of survey and accepted practices of boundary retracement. All monuments found or placed must be described in detail on the survey plat or drawing, with data given to show their location upon the ground in relation to the boundary lines. When a property corner is inaccessible and cannot be set, a witness or reference monument shall be placed on the boundary line and the offset distance noted on the survey document, plat or drawing. Control corners, monuments or property corners, on adjoining properties, used in the establishment or verification of property corners, shall be identified, located and defined, by course and distance, to an accuracy consistent with the class of survey.

(q) All new or re-established corners shall be:

1. Metal, concrete, or other durable material and detectable with conventional instruments for finding ferrous or magnetic objects;

2. No less than 1/2 inch in diameter for metal corners and 4 inches in diameter for concrete;

3. No less than 24 inches in length;

4. If the corner location falls on pavement, concrete, or other material where one of the above cannot be placed, it is permissible to use nails, spikes, scribes, etc. in or on the surface;

5. In place prior to the signing, sealing and issuance of the plat.

(r) Where a boundary is formed by a curved line, the curve will be defined by curve data to include the radius, delta arc length and the long chord, by course and distance. The curve may also be defined as a traverse of chords around curve. Chord shall be defined by course and distance.

(s) All visible items across the property line shall be indicated with their extent shown or noted on the survey plat/map. The use of the words projection or encroachment shall be at the discretion of the surveyor.

(t) Visible indications of easements and rights-of-way on the site (i.e. power lines, etc.), obvious and apparent at the time of the survey or known to the surveyor, shall be shown and shall include their widths, if known.

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(u) Cemeteries and burial ground located within the premises surveyed shall be located and shown upon the drawing, plat or map if obvious and apparent observed by the surveyor at the time of the survey, or if knowledge of their existence and location is furnished to the land surveyor prior to or during the performance of the survey.

(v) Lot and block numbers and/or the full names of adjoining land owners, and the names and/or numbers of principal highways, roads, streets or railroads, shall be shown, on the plat, with their rights-of-way. The plat book and page number of the subdivision as recorded by the Register of Mesne Conveyance, Register of Deeds or Clerk of Court of the county where the survey document is recorded should be included, if known.

(w) Boundaries formed by water courses shall be located and plotted to scale as shown in the title.

(x) If calculated lines are not shown, traverse lines and/or off-set lines used to close water course boundaries shall be shown, plotted to scale, and defined by course and distance. Note "Creek the line" where applicable.

(y) Maps prepared partially or entirely from reference or source data, such as compiled maps, do not represent land surveys as defined herein, and shall be clearly marked accordingly. Compiled maps must have a prominently displayed statement that the said document does not represent a land survey and is unsuitable for deeding of property or recordation.

(z) Plot plans representing planned locations prepared for city, county, state, federal governmental or other uses may be signed and sealed. A prominent statement shall be placed on the face of the document stating "This plot plan does not represent a land survey, was not prepared for recordation, and is not suitable for deeding of property. No ground survey was performed."

B. Closing/Loan or Mortgage Surveys: In addition to the requirements set forth in Section 49-460 A., General Property Surveys, the following applies to closing/loan or mortgage surveys:

(1) If a survey is all or a portion of a lot which is part of or adjoining a recorded subdivision, lot and block numbers or other designations including those of adjoining lots must be shown on the drawing.

(2) Structures shall be dimensioned to show size and location in relation to the boundary.

(3) Location distances are to be measured perpendicular from the closest side and front lines.

(4) Types of construction should be noted.

(5) Physical features obvious and apparent at the time of the survey to the surveyor such as storm drains, power lines, etc. on the subject property shall be shown and plotted to scale.

(6) Accuracy requirements of residential lots shall be consistent with the class of survey or a maximum closure of 0.05 foot, whichever is less restrictive.

(7) A certification shall be executed by the Surveyor as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class __ survey as specified therein; also there are no visible encroachments or projections other than shown."

C. Topographical Surveys: The following applies to topographical surveys:

(1) Structures shall be shown in relation to the boundary.

(2) Physical features obvious and apparent at the time of the survey to the surveyor such as storm drains, sanitary sewers, power lines, gas lines and water lines on the subject property shall be shown and plotted to scale.

(3) Elevations may be shown as spot elevations and/or contours.

(4) Contour intervals shall be noted.

(5) The vertical and horizontal error of contour lines and physical features shown shall not exceed one-half the contour interval.

(6) An on-site temporary bench mark shall be established with reference to datum, preferably NGVD and plotted to scale as shown on the title.

(7) The following items from Section 49-460 A. (3) shall be used when a general property survey is not made in conjunction with the topographic survey: a through h, l through n, and t through w.

(8) Where the property boundaries are not surveyed, the source from which the boundary data was taken must be clearly noted thereon.

(9) A certification shall be executed by the Land Surveyor which will contain a statement as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein."

D. Geographic Information System Surveys: The following applies to Geographic Information System Surveys.

(1) Purpose: The purpose of these standards is to provide the Surveyor with a guideline for surveys that provide the location of infrastructure information used in a geographic information system (GIS). The primary objective of this standard is to insure that surveyed information in a GIS is reliable and can be used to make definitive decisions. These standards are not to be used in place of professional judgment.

(2) The Survey: Geographic information system (GIS) surveys are defined as the measurement of existing surface and subsurface features for the purpose of determining their accurate geospatial location for inclusion in a GIS database. All GIS surveys as they relate to property lines, rights-of-way, easements, subdivisions of land, the position for any survey monument or reference point, the determination of the configuration or contour of the earth's surface or the position of fixed objects thereon, and geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry, shall be performed by a Surveyor who is a licensee of this Board.

The Surveyor shall select the proper equipment and methods necessary to achieve at least the Minimum Horizontal and Vertical Accuracy required in Sections 5a and 5b of these standards. The survey work will be executed in a professional manner by the Surveyor or by personnel under the direct personal supervision of the Surveyor. In the event that more stringent survey requirements are required for a given project than what is provided for herein, the more stringent requirements shall be followed.

(3) Coordinate values: Coordinate values should be in the South Carolina State Plane Coordinate System or Geographic Positions based on the National Coordinate System. Horizontal coordinate values should be in the North American Datum of 1983 (NAD 83) 2007 or the most current datum published by the National Geodetic Survey (NGS). Vertical coordinate values should be in the North American Vertical Datum of 1988 (NAVD 88) or the most current datum published by the National Geodetic Survey (NGS). If coordinates are not referenced to the National Coordinate System, identify the local coordinate system used and its relationship to the National Coordinate System. Coordinates shall be given in either metric or English units. The English unit in South Carolina is the international foot.

(4) Results: The results of the survey shall be transmitted to the client in the form of a drawing in a digital format. The following information shall be included in the drawing or in the Federal Geographic Data Committee (FGDC) Metadata and certified to by the Professional Surveyor in responsible charge;

(a) The accuracy classification to which the data was gathered.

(b) The methods and procedures used to obtain the data, including but not limited to: equipment, (i.e. global positioning system, theodolite and electronic distance meter, transit and tape), documentation of positional inaccuracies, control points, bench marks, and PDOP levels for GPS surveys.

(c) Date of the survey work.

(d) Datum used for the survey.

(5) Accuracy - General: The minimum positional accuracy of the survey data is a Geospatial Positional Accuracy that is relative to the mapping scale, and therefore it is the accuracy of the base map on which the GIS is based. The reporting methodology shall be in accordance with the Federal Geographic Data Committee, Geospatial Positioning Accuracy Standards, Part 1 Reporting Methodology. The Geospatial Position Accuracy shall be reported by positional accuracy as defined in two components: horizontal and vertical. Horizontal Positional Accuracy is the radius of the circle of uncertainty, such that the true or theoretical location of the point falls within that circle 95-percent of the time. Horizontal Accuracy may be tested by comparing the planimetric coordinates of surveyed ground points with the coordinates of the same points from an independent source of higher order. Vertical Positional Accuracy is a linear uncertainty value, such that the true or theoretical location of the point falls within +/- of that linear uncertainty value 95-per cent of the time. Vertical Accuracy may be tested by comparing the elevation of surveyed ground points with the elevations of the same point determined from a source of higher accuracy.

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(a) Horizontal Accuracy: The horizontal accuracy is based upon the American Society of Photogrammetry and Remote Sensing (ASPRS) Standard for Class 2 and reported in agreement with the National Standard for Spatial Data Accuracy. The NSSDA Horizontal Positional Accuracy Statistic at the 95% confidence level is determined by multiplying the Root Mean Square Error (RMSE) of the data set by 1.7308.

Acceptable

Base Mapping Scale of LIS/GIS	Positional Accuracy Statistic of Survey Data
1"= 20 ft.	0.7 feet
1"= 50 ft.	1.7 feet
1"= 100 ft.	3.5 feet
1"= 200 ft.	6.9 feet
1"= 400 ft.	13.8 feet
1"= 500 ft.	17.3 feet
1"= 1000 ft.	34.6 feet
1"= 2000 ft.	69.2 feet

(b) Vertical Accuracy: The vertical accuracy is based upon the ASPRS Standard for Class 1 and reported in agreement with the National Standard for Spatial Data Accuracy. The NSSDA Vertical Positional Accuracy Statistic at the 95% confidence level is determined by multiplying the Root Mean Square Error (RMSE) of the data set by 1.9600.

Acceptable

Base Mapping Contour Interval	Positional Accuracy Statistic of Survey Data
1 foot	0.7 feet
2 feet	1.3 feet
5 feet	3.2 feet
10 feet	6.5 feet
15 feet	9.7 feet

(6) Certification: A certification shall be executed by the Surveyor which will contain a statement of the class of survey performed as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the GIS survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein."

E. Photogrammetric (Airborne and Spaceborne) Surveys:

(1) Airborne and spaceborne surveys are defined as the use of photogrammetry, LIDAR, IFSAR, or other similar measurement technologies for obtaining reliable information about physical objects and the environment, including terrain surface, through the process of recording, measuring, and interpreting images and patterns of electromagnetic radiant energy and other phenomena. This Rule establishes minimum allowable photogrammetric production procedures and standards for photogrammetric mapping and digital data production.

(2) Production procedures for topographic and planimetric mapping surveys shall be in accordance with the standards established by Chapter 3 of the Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standard and applicable extensions and revisions. These standards are incorporated by reference including subsequent amendments and editions.

(3) Topographic or planimetric maps, orthophotos, or related electronic data, unless clearly marked as "Preliminary Map," shall meet contractually specified FGDC Standards for horizontal and vertical accuracies (in the absence of specified standards, the National Map Accuracy Standards apply) and shall be sealed, signed and dated by the licensee.

(4) When the issued product is a digital (electronic) data set, or a map or document consisting of more than one sheet or otherwise cannot be signed and sealed, a project report shall be certified, signed and sealed. Such report shall be clearly marked "Preliminary" if applicable.

(5) Ground control for topographic and planimetric mapping projects shall be in South Carolina State Plane Coordinate System grid coordinates, NAD83/2007, and distances in International feet or meters. A minimum of one permanent project vertical control point shall be shown.

(6) A project map or report shall contain the applicable following information:

(a) Date of original data acquisition;

- (b) Altitude of sensor and sensor focal length, as applicable;
- (c) Date of document or data set compilation;
- (d) If hard copy product is produced, the maps shall contain a north arrow, map legend, final document scale, including barograph, and contour interval, as applicable;
- (e) Coordinate system for horizontal and vertical denoting SI (System International English units (i.e., NAD83 and NAVD 88, assumed, or other coordinate system);
- (f) A list or note showing the control points used for the project. The minimum data shown for each point shall include: physical attributes (i.e. iron rod, railroad spike, etc), latitude and longitude (or Easting and Northing Grid coordinates), and elevation, as applicable;
- (g) If other data is included, the source and accuracy of those items must be clearly indicated;
- (h) A statement of accuracy complying with contractually specified FGDC standards consistent with Paragraph (c) of this Rule;
- (i) For topographic maps or data sets, contours in areas obscured by man-made or natural features shall be uniquely identified or enclosed by a polygon clearly identifying the obscured area. The accuracies of the contours or of features in this obscured area shall be noted "No reliance is to be placed on the accuracy of these contours";
- (j) A vicinity map depicting the project location shall appear on the first sheet of all hard copy maps or in the report accompanying digital files;
- (k) Company name, address and phone number; and
- (l) The name of the client for whom the project was conducted.

(7) A certificate, substantially in the following form, shall be affixed to all maps or reports:

"I hereby state that to the best of my professional knowledge, information, and belief, that this photogrammetric project was performed in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein."

(* Documents transmitted electronically shall have the computer-generated seal removed from the original file and a copy of the project report shall be signed, sealed and sent to the client. The electronic data shall have the following inserted in lieu of the signature and date:

"This document originally issued and sealed by (name of sealer), (license number), on (date of sealing). This electronic media shall not be considered a certified document. See the project report for certificate and seal."

F. Right of Way Surveys: Right-of-way surveys are surveys of the boundaries of a strip, area or parcel of land being used for some designated public or private use. When these rights of way are taken in fee simple, the surveys and plats shall be performed in accordance with the requirements of Section 49-460-A "General Property Surveys."

49-602. Requirements.

- A. Each licensee is required to obtain 30 PDH units during each biennial renewal period.
- B. If a licensee exceeds the requirements in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period.
- C. PDH units may be earned as follows:
 - (1) Successful completion of college courses.
 - (2) Successful completion of continuing education courses.
 - (3) Successful completion of correspondence, televised, videotaped, and other short courses/tutorials.
 - (4) Attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.
 - (5) Teaching or instructing in (1) through (4) above.
 - (6) Authoring published papers, articles, or books.
 - (7) Active participation in professional or technical societies.
 - (8) Successful application for patents.

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Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Engineers and Surveyors Practice Act.

Document No. 4257
STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15
Statutory Authority: 1976 Code Sections 37-22-110 et seq.,
particularly Section 37-22-260

15-64. Mortgage Lending

Synopsis:

The South Carolina State Board of Financial Institutions - Consumer Finance Division seeks to add regulation 15-64 in order to comply with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act) and with rules issued by the United States Department of Housing and Urban Development (HUD). Further, state-specific items in the South Carolina Mortgage Lending Act will be clarified or modified to meet the statutory requirements of both the S.A.F.E. Act and HUD rules.

The Notice of Drafting was published in the *State Register* on October 28, 2011.

Instructions:

Print the new regulation exactly as shown below.

Text:

ARTICLE 4

MORTGAGE LENDING ACT REGULATIONS

15-64. Mortgage Lending.

A. Definitions shall be those contained in the Mortgage Lending Act, S.C. Code Ann. Section 37-22-110 et seq.; Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 USC 5101, et seq.; SAFE Mortgage Licensing Act, 24 CFR Part 3400 and the following:

(1) Act – means the South Carolina Mortgage Lending Act, S.C. Code Ann. Section 37-22-110 et seq.

(2) Day – means all calendar days including Saturdays, Sundays and legal public holidays.

(3) Employee for purposes of compliance with the federal income tax laws – means a natural person whose manner and means of performance of work are subject to the right of control of, or are controlled by, a person, and whose compensation for federal income tax purposes is reported, or required to be reported, on a W-2 form issued by the controlling person. (See IRS Publication 1779 and Form SS-8)

(4) Notice – means written notification received by the Commissioner within seven (7) days of any change except as defined in Section 37-22-180(A)

(5) Prior Written Consent – means written consent given by the Commissioner authorizing a change of control prior to that change of control taking place. To request authorization from the Commissioner, all information regarding acquisition via stock purchase or other device must be sent to the Commissioner at least 30 days prior to the change of control.

B. Use of NMLS&R unique identifier

(1) The Nationwide Mortgage Licensing System & Registry (NMLS&R) unique identifier for the licensed Mortgage Lender/Servicer, the licensed Branch Office and the licensed Mortgage Loan Originator must be displayed on all mortgage loan applications. Only the unique identifier of the licensed Mortgage Lender/Servicer is required to be displayed on all other mortgage loan forms.

(2) For advertising purposes, the NMLS&R unique identifier of the licensed Mortgage Lender/Servicer and, if included in the advertisement, the licensed Mortgage Loan Originator must be used in all advertising as it is defined in the Act.

C. All South Carolina residential mortgage loans secured by real property are subject to the provisions of all South Carolina and federal law related to mortgage loans including, but not limited to, the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 USC Section 2601 et seq..

D. Reports

(1) The Mortgage Log required pursuant to Section 37-22-210 shall:

(a) be completed electronically as required by the Consumer Finance Division. The licensee is responsible for all costs associated with the electronic filing, and

(b) include all mortgage loans or applications where a credit report is requested, regardless of whether a mortgage loan is originated or modified.

(2) The Annual Report required by Section 37-22-220 shall include, in addition to other statutory requirements, a Mortgage Call Report (See Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 USC 5101 et seq.; SAFE Mortgage Licensing Act, 24 CFR part 3400 and Staff Commentary) consisting of:

(a) a loan activity report submitted electronically on a quarterly basis as required by the Nationwide Mortgage Licensing System & Registry (NMLS&R) by the Mortgage Lender/Servicer for all locations and loan originators, and

(b) a corresponding financial condition report submitted electronically as required by the Nationwide Mortgage Licensing System & Registry (NMLS&R).

E. An applicant must supply required information to the Consumer Finance Division pursuant to Section 37-22-140(M) within 120 days of initial submission or the application will be abandoned as incomplete.

Fiscal Impact Statement:

The Consumer Finance Division estimates that the additional costs incurred by the State in complying with the proposed regulation will be approximately \$0.

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Statement of Rationale:

The South Carolina Mortgage Lending Act (Act) specifically provides for the Commissioner of the Consumer Finance Division of the South Carolina State Board of Financial Institutions to promulgate regulations necessary to effectuate the purposes of the Act. Regulation 15-64 is being added to clarify mortgage licensing requirements imposed by the Act and to ensure conformity between the Act and federal law.

Document No. 4234

BOARD OF REGISTRATION FOR FORESTERS

CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

- 53-2. Officers.
- 53-7. Application for Registration.
- 53-9. Expiration and Renewal.
- 53-13. Statement of Guiding Definitions.
- 53-15. Code of Ethics.

Synopsis:

To satisfy the requirements of licensure for foresters, Regulations 53-2, 53-7, 53-9, 53-13, and 53-15 are updated in conformance with the current Foresters Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 53 are modified as provided below. All other items and sections remain unchanged.

Text:

- 53-2. Officers.

The Board will elect officers each year at the regular spring meeting to serve for one year commencing at the following regular fall meeting. The following officers will be elected:

- a. Chairman--whose duties shall be to:
 - (1) Preside at meetings of the Board.
 - (2) Appoint all committees.
 - (3) Sign all certificates and other official documents.
 - (4) Call special meetings as required.
 - (5) Notify all other State Boards of Registration for Foresters of the reciprocity provision of the Act.
 - (6) Perform all duties pertaining to the office of the Chairman.
- b. Vice Chairman--Whose duties shall be:
 - (1) Perform duties of the Chairman during his absence.
 - (2) Publicize action, policy purpose and principles of the Board.
- c. Secretary--Whose duties shall be:
 - (1) Keep a record of the proceedings of the Board.
 - (2) Attest all Certificates of Registration.
 - (3) Notify members of meetings.
 - (4) Perform other duties required by law or that may be assigned by the Board.

53-7. Application for Registration.

Requests for registration will be made to the Department of Labor, Licensing and Regulation, State Board of Registration for Foresters. Application forms will be supplied upon request.

Applicants shall supply all information requested on the forms or otherwise required. In each case, the applicant must provide proof, satisfactory to the Board, that he meets requirements for registration. Failure to follow the instructions will necessitate rejection of the application or its return for completion.

Applications will be accompanied by check or money order in an amount as set by the Board. The application fee will be non-refundable.

53-9. Expiration and Renewal.

Licenses shall expire on June 30th, every two years on the odd numbered year, and shall become invalid on that date unless renewed. At least one month prior to expiration date of any license, the Department will notify each registrant of the date of expiration of his license and the fee required for its renewal for two years. Renewal payment must be made during the month of June every two years, or within the ensuing 3 months, by payment of an additional fee set by the Board for each month or fraction thereof beyond the month of June. The Board will make an exception to the foregoing renewal provisions in the case of a person who is in the Armed Services of the United States.

53-13. Statement of Guiding Definitions.

For other forestry definitions the board will be guided by the most current version of the Dictionary of Forestry, published by the Society of American Foresters.

53-15. Code of Ethics.

The most current version of the Code of Ethics as recommended by the Society of American Foresters is hereby adopted as the standards of professional conduct for all foresters in this state.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Foresters Practice Act.

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Document No. 4235

BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

57-04. General Licensing Provisions for Embalmers.

57-05. General Licensing Provisions for Funeral Directors.

57-09. Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses.

Synopsis:

To satisfy the requirements of licensure for funeral service providers, Regulations 57-04 through 57-05 and 57-09 are updated in conformance with the current Board of Funeral Service Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 57 are modified as provided below. All other items and sections remain unchanged.

Text:

57-04. General Licensing Provisions for Embalmers.

An applicant for initial licensure as an embalmer must:

- (A) be at least eighteen (18) years of age; and
- (B) submit an application on forms approved by the Board, along with the required fee; and
- (C) submit evidence of successful completion of a course of study in an embalming college accredited by the American Board of Funeral Service Education and approved by the Board; and
- (D) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and
- (E) submit evidence of successful completion of a minimum of twenty-four (24) months of full time service as an apprentice under the direct supervision of a licensed embalmer approved by the Board; and
- (F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

57-05. General Licensing Provisions for Funeral Directors.

An applicant for initial licensure as a funeral director must:

- (A) be at least eighteen (18) years of age; and
- (B) submit an application on forms approved by the Board, along with the required fee; and
- (C) submit evidence of a high school diploma, or its equivalent and successful completion of a one-year course in an accredited mortuary college, successful completion of a bachelor's degree from a regionally accredited college or university or successful completion of sixty (60) semester hours at a regionally accredited college or university, including a minimum of twenty-four (24) semester hours divided among at least four (4) of the following areas:
 - (1) Psychological Sciences: This area may include courses in General Psychology, Guidance/Counseling, General Sociology, and other Psychology courses; and
 - (2) Business: This area may include courses in Accounting, Business Law, Math/Logic, Business Management, Typing, and Computer Science; and
 - (3) English: This area may include English, English Literature, and English Composition; and
 - (4) Natural/Biological/Physical Sciences: This area may include courses in Chemistry, Biology, Pathology, Microbiology, and Physiology; and

- (5) Religion: This area may include courses in Religion, Bible, and Bible History; and
- (D) submit evidence of successful completion of a minimum of twenty-four (24) months of full-time service as an apprentice under the direct supervision of a licensed funeral director approved by the Board; and
- (E) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and
- (F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

57-09. Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses.

(A) All licenses and renewals expire on the thirtieth (30th) day of June unless sooner revoked or canceled. No license may be issued or renewed for a period exceeding two (2) years.

(B) All applications for renewal shall be filed with the Board prior to June thirtieth (30th) each year. Renewal applications must be accompanied by the renewal fee prescribed by the Board and, if applicable, the required number of continuing education credits. Licensees who have not properly renewed their licenses for failure to complete the required continuing education credits and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required continuing education credits as specified in Reg. 57-11 and a fee equal to the annual renewal fee plus a penalty as described in Reg. 57-12.

(C) An embalmer or funeral director whose license has been expired for less than five (5) years may reactivate the license by applying to the Board, submitting the required fees, and demonstrating evidence satisfactory to the Board, on a form approved by the Board, of the requisite continuing education hours for each year during which the license was expired. In such cases, the Board may require supervised experience as a condition of reactivation.

(D) An embalmer or funeral director whose license has been expired for more than five (5) years must reapply and meet all of the requirements, including re-examination, at the time of application, for licensure.

(E) Applicants for reactivation must submit a notarized affidavit certifying that he or she has not been engaged in the practice of embalming or funeral directing in this State during the period the license was not in a current status.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Funeral Practice Act.

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Document No. 4236
BOARD OF REGISTRATION FOR GEOLOGISTS
CHAPTER 131

Statutory Authority: 1976 Code Sections 40-1-70 and 40-77-05 et seq.

131-04. General Registration Provisions for Geologists-in-Training.

Synopsis:

To satisfy the requirements of licensure for geologists, Regulation 131-04 is updated in conformance with the current Geologists Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 131 is modified as provided below. All other items and sections remain unchanged.

Text:

131-04. General Registration Provisions for Geologists-in-Training.

An applicant for initial registration as a geologist-in-training must:

(A) (1) be a graduate of a geologic curriculum of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of geology or geophysics approved by the Board, including an earned bachelor's degree or advanced degree from an accredited college or university, or

(2) graduated in a geologic or a related science curriculum of four scholastic years or more with a minimum of thirty semester hours or forty-five quarter hours in geology or geophysics from a school or college other than those approved by the board in item (1) with a specific record of five years or more of experience in geological work of a character satisfactory to the board or passing written examinations in geologic subjects designed to measure knowledge and skill approximating that attained through graduation in an approved geologic curriculum and passing the written examinations as required in item (1); and

(B) submit an application on forms approved by the Board and the required fees, and have certified transcripts of all undergraduate or postgraduate college credits supplied directly to the Board from the school(s) or college(s); and

(C) pass a fundamentals examination approved by the Board; and

(D) be of good ethical character.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is updated in conformance with the current Geologists Practice Act

Document No. 4193

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 49-4-10 et seq. (2010 Act No. 247)

- (1) New R.61-119, Surface Water Withdrawal, Permitting, Use, and Reporting
- (2) Repeal of Regulations 121-10, Water Use Reporting and Coordination, and 121-12, Interbasin Transfer of Water

Synopsis:

Act 247 of 2010 substantially amended Sections 49-4-10 et seq. of the 1976 S.C. Code of Laws, renaming these sections as the South Carolina Surface Water Withdrawal, Permitting, Use, and Reporting Act. The Department has promulgated a regulation to implement the provisions of this Act. This regulation will establish a system and rules for permitting the withdrawal and use of surface water from within the State of South Carolina and those surface waters shared with adjacent states. This regulation will apply to any person withdrawing surface water in excess of three million gallons during any one month.

The Department has also simultaneously repealed Regulations 121-10 and 121-12, which would become obsolete upon promulgation of the new regulation and are not consistent with existing law.

A Notice of Drafting for these regulations was published in the State Register on May 27, 2011.

Discussion of New Regulation:

R.61-119, Surface Water Withdrawal, Permitting, Use, and Reporting

Section A. Purpose and Scope. This section addresses the purpose and scope and identifies the enabling statute for this regulation. The standards developed in this regulation are necessary to maintain, conserve, and protect the surface water resources of South Carolina by establishing a system of rules for permitting the withdrawal and use of surface water from within the state and those waters shared with adjacent states. This regulation replaces and incorporates regulations for the modified "South Carolina Surface Water Withdrawal and Reporting Act" (Chapter 4, Title 49 of the 1976 Code) and the repealed "Interbasin Transfer of Water Act" (Chapter 21, Title 49 of the 1976 Code).

Section B. Definitions. This section includes definitions for the following 34 terms: 'Administratively Complete', 'Affected area', 'Agriculture facility', 'Agricultural use', 'Consumptive use', 'Department', 'Diffuse surface water', 'Drought contingency pond', 'Emergency withdrawal', 'Existing surface water withdrawer', 'Farm pond', 'Gauging station', 'Impoundment', 'Interbasin transfer', 'Licensed or otherwise flow controlled Impoundment', 'Mean annual daily flow', 'Minimal changes in water quantity', 'Minimum instream flow', 'Minimum water level', 'Nonconsumptive use', 'Permit' or 'surface water withdrawal permit', 'Permitted surface water withdrawer', 'Permittee', 'Person', 'Proposed registered surface water withdrawer', 'Public water system', 'Registered surface water withdrawer', 'River basin', 'Safe yield', 'Supplemental water source', 'Surface water', 'Surface water withdrawer', 'Water Supply Only Reservoir', and 'Withdrawal'.

Section C. Exemptions. This section defines activities that are exempt from the permitting, registering, and reporting requirements provided for in this regulation.

Section D. Permits for Existing Surface Water Withdrawers as of January 1, 2011. This section provides application requirements, operations and contingency plan requirements, information on additional flow requests and informational items to be included in each permit. This section applies only to existing withdrawers as of January 1, 2011 as defined by the Act.

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Section E. Permits for New or Expanding Surface Water Withdrawers after January 1, 2011. This section provides the requirement to obtain a permit for withdrawal, application requirements, evaluation criteria, operations and contingency plan requirements and informational items to be included in each permit. This section applies only to new or expanding withdrawers after January 1, 2011.

Section F. Public Notice Requirements for New or Expanding Surface Water Withdrawers after January 1, 2011. Procedures for public notice of new or expanding withdrawals are included in this section along with delineation of fifteen river basins in the state to be used when determining the affected area for a particular surface water withdrawal application.

Section G. Nonconsumptive Use Surface Water Withdrawal Permits. This section provides requirements to be considered a nonconsumptive use withdrawal along with application information and details on information to be included in the permit.

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Section H. Permit Duration. Allowable permit durations as provided for in the Act are specified in this section.

Section I. Renewal Process for Surface Water Withdrawal Permits. Procedures for renewal of surface water withdrawal permits are included in this section.

Section J. Action on Permit Applications, Modifications, Revocations and Denials. This section provides information regarding the Department's ability to transfer, modify, suspend, or revoke a permit under certain conditions.

Section K. Existing Interbasin Transfer Permits and Registrations. This section addresses interbasin transfer permits and registrations in existence on January 1, 2011, and requirements for renewal of these permits and registrations as surface water withdrawal permits upon expiration of the permits and registrations issued under Chapter 21, Title 49 of the 1976 Code, which was repealed effective January 1, 2011 by the enabling act of this regulation.

Section L. Registration of Agricultural Withdrawals. This section addresses procedures for the registration of existing agricultural withdrawals as of January 1, 2011, the registration of new agricultural withdrawals after January 1, 2011, and the modification of a registration. Registered withdrawals for agricultural activities are not subject to the permitting requirements of this regulation (unless the withdrawer requests a permit); however, they are subject to the reporting requirements of this regulation.

Section M. Temporary Permits and Emergency Withdrawals. This section specifies the Department's authority to issue a temporary permit allowing a withdrawal for not more than one hundred eighty days to a new applicant while his application for a surface water withdrawal permit is pending. This section also addresses emergency withdrawals, which are exempt from the permitting requirements of this regulation, that are allowed for periods of no more than thirty consecutive days.

Section N. Reporting. This section addresses the requirement to report the volume of water withdrawn from surface waters in South Carolina by any person permitted or registered to withdraw more than three million gallons from any surface water body within any one month.

Section O. Enforcement. This section addresses the Department's authority to enforce provisions of this regulation and assess penalties, which must be deposited in the State's general fund.

Section P. Other Department Authority. This section addresses the Department's authority, in conjunction with the Department of Natural Resources, to negotiate agreements, accords and compacts on behalf of the State and to represent the State in connection with water withdrawals, diversions, or transfers occurring in

other states that may affect South Carolina. It further authorizes other powers and duties the Department may utilize to carry out the duties and responsibilities provided in this regulation.

Section Q. Surface Water Permitting and Withdrawal Fees. This section specifies the fees that the Department is authorized to assess for issuance, modification, and renewal of a permit to withdraw surface water in South Carolina, along with provisions for an annual operating fee for each permitted intake. This section further specifies how and when these fees will be assessed, how the Department will address non-payment of fees and appeal rights associated with assessment of fees.

Section R. Compliance With Other Statutes and Regulations. This section specifies that nothing in this regulation relieves any person regulated by the regulation of the duty to comply with all other statutes and regulations.

Section S. Severability Clause. This section specifies that, if any portion of the regulation is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portion of the regulation.

Instructions:

Add new Regulation 61-119, Surface Water Withdrawal, Permitting, Use and Reporting. Repeal Regulations 121-10, Water Use Reporting and Coordination, and 121-12, Interbasin Transfer of Water.

Text:

61-119. Surface Water Withdrawal, Permitting, Use, and Reporting.

Statutory Authority: Sections 49-4-10 et seq., S.C. Code of Laws, 1976, as amended

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A. PURPOSE AND SCOPE.

1. Implementation Provision.

This regulation implements The South Carolina Surface Water Withdrawal, Permitting, Use, and Reporting Act, Section 49-4-10 et seq., S.C. Code of Laws, 1976, as amended. It establishes a system and rules for permitting and registering the withdrawal and use of surface water from within the state of South Carolina and those surface waters shared with adjacent states. The permitting, registration, use, and reporting requirements for the regulated surface water withdrawals are outlined in this regulation. This regulation applies to any person withdrawing surface water in excess of three million (3,000,000) gallons during any one (1) month.

2. Right to Withdraw.

A permit issued under this regulation confers upon a permittee a right to withdraw and use surface water pursuant to the terms and conditions of the permit. The permit does not convey a property right to the permittee nor does it relieve the permittee from being required to obtain and comply with any other permits or approvals that may be required under other existing laws. Nothing in this regulation shall be construed to diminish the Department's authority to regulate facilities under any other applicable laws.

3. South Carolina Drought Act Provision.

Nothing in this regulation limits or precludes any action authorized by the South Carolina Drought Response Act, Section 49-23-10 et seq., S.C. Code of Laws, 1976, as amended, hereafter referred to as the S.C. Drought Response Act. In the event that an action authorized by the S.C. Drought Response Act conflicts with requirements of this regulation or a permitted use, the action taken pursuant to the S.C. Drought Response Act supersedes any actions taken pursuant to this regulation or the permit.

B. DEFINITIONS.

Definitions as used in this regulation are as follows:

1. 'Administratively complete' means a determination by the Department that all elements of an application, as specified in the applicable regulation and including but not limited to all required signatures and tender of the application fee, where required, have been received.

2. 'Affected area' means that portion of a county or counties within a river basin that, under the circumstances, are determined by the Department to likely be affected by a proposed surface water withdrawal.

3. 'Agricultural use' means:

- a. plowing, tilling, or preparing the soil at an agricultural facility;

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b. planting, growing, fertilizing, or harvesting crops, ornamental horticulture, floriculture, and turf grasses;

c. application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry;

d. breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes;

e. producing and keeping honeybees, producing honeybee products, and honeybee processing facilities;

f. producing, processing, or packaging eggs or egg products;

g. manufacturing feed for poultry or livestock;

h. rotation of crops;

i. commercial aquaculture;

j. application of existing, changed, or new technology, practices, processes, or procedures to an agricultural use;

k. the operation of a roadside market; and

l. silviculture.

4. 'Agriculture facility' means any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.

5. 'Consumptive use' means any use of water which is not a nonconsumptive use.

6. 'Department' means the Department of Health and Environmental Control.

7. 'Diffuse surface water' means water on the surface of the earth not located in defined courses, streams, or water bodies.

8. 'Drought contingency pond' means a pond or lake designated solely as a supplemental water source in a surface water withdrawer's operational and contingency plan.

9. 'Emergency withdrawal' means the withdrawal of water, for a period not exceeding thirty days, for the purpose of firefighting, hazardous substance waste spill response, or both, or other emergency withdrawal of water as determined by the Department.

10. 'Existing surface water withdrawer' means a surface water withdrawer withdrawing surface water as of January 1, 2011, or a proposed surface water withdrawer with its intakes under construction before January 1, 2011, or with all necessary applications for its intake permits deemed administratively complete before January 1, 2011.

11. 'Farm pond' means a pond completely situated on private property that is only used for providing water for agricultural uses.

12. ‘Gaging station’ means a site on a stream, canal, lake or reservoir where systematic observations of stage, discharge, or other hydrologic data are obtained. Gaging stations may be part of the United States Geological Survey (USGS) monitoring network or other Department approved measuring devices established by or at the direction of or approved by the Department, after consultation with the South Carolina Department of Natural Resources (SCDNR), utilizing appropriate, Department approved measuring devices.

13. ‘Impoundment’ means a dam, dike, natural structure, or any combination thereof that is designed to hold an accumulation of surface water or impede the flow of surface water.

14. ‘Interbasin transfer’ means the withdrawal of surface water from a river basin and the movement of that water to a river basin different from the source of the withdrawal.

15. ‘Licensed or otherwise flow controlled impoundment’ means an impoundment or waterbody for which approval to construct and/or operate has been given by an appropriate governmental authority or agency with said approval including regulated releases with required flows from the impoundment. Licensing agencies include, but are not limited to, the United States Army Corps of Engineers and the Federal Energy Regulatory Commission, which incorporate in such federal licensing and permitting decisions the State of South Carolina water quality certification under Section 401 of the Clean Water Act.

16. ‘Mean annual daily flow’ means the arithmetic mean of individual daily mean discharges (stream flow) for a period representative of the historic stream flow records, using flow measurements published by USGS or as determined by other Department approved, hydrologically valid data.

17. ‘Minimal changes in water quantity’ means that greater than ninety (90) percent of the water withdrawn by a surface water withdrawer, based upon the previous twenty-four (24) months of historical data, is returned to the waters of origin; provided, that either the amount of water not returned to the water source does not:

- a. exceed three million (3,000,000) gallons during any one (1) month; or
- b. significantly reduce the safe yield at the withdrawal point.

18. ‘Minimum instream flow’ means the flow that provides an adequate supply of water at the surface water withdrawal point to maintain the biological, chemical, and physical integrity of the stream taking into account the needs of downstream users, recreation, and navigation and that flow is set at forty (40) percent of the mean annual daily flow for the months of January, February, March, and April; thirty (30) percent of the mean annual daily flow for the months of May, June, and December; and twenty (20) percent of the mean annual daily flow for the months of July through November for surface water withdrawers as described in Section 49-4-150(A)(1). For surface water withdrawal points located on a surface water segment downstream of and influenced by a licensed or otherwise flow controlled impoundment, ‘minimum instream flow’ means the flow that provides an adequate supply of water at the surface water withdrawal point to maintain the biological, chemical, and physical integrity of the stream taking into account the needs of downstream users, recreation, and navigation and that flow is set in Section 49-4-150(A)(3).

19. ‘Minimum water level’ means the water level in an impoundment necessary to maintain the biological, chemical, and physical integrity of the surface water in the impoundment taking into account downstream uses, withdrawals from the impoundment, and recreational and navigational needs as established by an existing federal regulatory process or established through consultation between the Department and the operator of the impoundment.

20. ‘Nonconsumptive use’ means a use of surface water withdrawn in such a manner that it is returned to its waters of origin within the boundaries of contiguous property owned by the surface water withdrawer with no or minimal changes in water quantity.

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21. 'Permit' or 'surface water withdrawal permit' means a written authorization issued to a person by the Department that allows the person to hold and exercise a water right to withdraw surface water pursuant to the terms of the permit and this regulation.

22. 'Permitted surface water withdrawer' means a person withdrawing surface water pursuant to a surface water withdrawal permit.

23. 'Permittee' means a person authorized to make withdrawals of surface water pursuant to a surface water withdrawal permit issued by the Department.

24. 'Person' means an individual, firm, partnership, trust, estate, association, public or private institution, municipality, or political subdivision, governmental agency, public water system, or a private or public corporation or other legal entity organized under the laws of this State or any other state or county.

25. 'Proposed registered surface water withdrawer' means a proposed surface water withdrawer whose planned operations would result in his withdrawals being subject to the reporting but not the permitting requirements of this regulation.

26. 'Public water system' means a water system as defined in Section 44-55-20 of the State Safe Drinking Water Act, Section 44-55-10 et seq., S.C. Code of Laws, 1976 as amended.

27. 'Registered surface water withdrawer' means a person who makes surface water withdrawals for agricultural uses at an agricultural facility that is filing a report pursuant to Section 49-4-50.

28. 'River basin' means the area drained by a river and its tributaries or through a specified point on a river, as determined in Section 49-4-80(K)(2).

29. 'Safe yield' means the amount of water available for withdrawal from a particular surface water source in excess of the minimum instream flow or minimum water level for that surface water source. Safe yield is determined by comparing the natural and artificial replenishment of the surface water to the existing or planned consumptive and nonconsumptive uses.

30. 'Supplemental water source' means a source of water different from the source of permitted withdrawal that will be used when an adequate amount of water is unavailable for withdrawal from the permitted source, including, but not limited to, ground water wells, aquifer storage and recovery projects, water storage facilities, drought contingency ponds, and connections to other water providers.

31. 'Surface water' means all water that is wholly or partially within the State, including the Savannah River, or within its jurisdiction, which is open to the atmosphere and subject to surface runoff, including, but not limited to, lakes, streams, ponds, rivers, creeks, runs, springs, and reservoirs, but not including water and wastewater treatment impoundments, off-stream supplemental operations related impoundments, or water storage structures constructed by the surface water withdrawer to provide adequate supplies of surface water during low flow conditions.

32. 'Surface water withdrawer' means a person withdrawing surface water in excess of three million (3,000,000) gallons during any one (1) month from a single intake or multiple intakes under common ownership within a one (1) mile radius from any one (1) existing or proposed intake.

33. 'Water Supply Only Reservoir' means a reservoir from which no permitted or registered consumptive withdrawals other than for public drinking water supply are allowed.

34. ‘Withdrawal’ means to remove surface water from its natural course or location, or exercising physical control over surface water in its natural course or location, regardless of whether the water is returned to its waters of origin, consumed, transferred to another river basin, or discharged elsewhere.

C. EXEMPTIONS.

1. Exempt Surface Water Withdrawals.

Surface water withdrawals for the following purposes are exempt from the permitting, registering, and reporting requirements provided for in this regulation:

a. withdrawals associated with active instream dredging or sand mining operations or other nonconsumptive instream mining operations undertaken pursuant to the South Carolina Mining Act, Section 48-20-10 et seq., S.C. Code of Laws, 1976, as amended;

b. emergency withdrawals;

c. withdrawals from farm ponds that are only used for providing water for agricultural purposes:

i. owned or leased by the person making the withdrawal; or

ii. situated on two or more separately owned parcels of private property if each property owner agrees to the withdrawal;

d. a person withdrawing surface water from any pond completely situated on private property and which is supplied only by diffuse surface water, or supplied by springs completely situated on the private property, or supplied by groundwater withdrawals;

e. naturally occurring evaporation from impoundments;

f. a person withdrawing, using, or discharging surface water for the purpose of wildlife habitat management; and

g. a special purpose district withdrawing surface water from any pond completely situated on property owned by a special purpose district and which is supplied only by diffuse surface water or springs completely situated on the special purpose district’s property.

2. Hydropower Reporting Requirements.

Hydropower generation, including pumped storage, is exempt from the permitting requirements of this regulation but not the reporting requirements in Section 49-4-50.

3. Provision Allowing Permitting of Exempt Withdrawals.

Nothing in this regulation prohibits an exempt surface water withdrawer from applying for and receiving a surface water withdrawal permit, consistent with applicable provisions of this regulation. Nothing in this regulation prohibits an exempt surface water withdrawer from registering a withdrawal, consistent with applicable provisions of this regulation. An exempt surface water withdrawer that obtains a permit or registers its use is entitled to all of the rights conferred upon by a permit or a registration, as the case may be.

D. PERMITS FOR EXISTING SURFACE WATER WITHDRAWERS AS OF JANUARY 1, 2011.

1. Application Requirements.

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An existing surface water withdrawer must submit a permit application on a form to be provided by the Department within one hundred and eighty (180) days of the effective date of this regulation. Any existing surface water withdrawer submitting an application more than one hundred and eighty (180) days after the effective date of this regulation will be considered a new surface water withdrawer. At a minimum, the application must contain the following information:

a. the name, address, phone number(s), principal place of business of the person applying for the permit and, if applicable, the name and address of the agent for the applicant;

b. the location of each of the applicant's intakes, including:

i. name of source waterbody;

ii. latitude and longitude of intake;

iii. a map showing the withdrawal point(s) on a 1:24,000 scale USGS quadrangle or equivalent;

iv. the county in which the intake is located;

v. type of source waterbody, such as a stream, lake or estuary;

c. the place and nature of the proposed use of the surface water withdrawn;

d. the quantity of surface water requested for withdrawal, in million gallons per month, at each relevant withdrawal point, with supporting documentation, based on whichever of the following options is greatest as identified by the person applying for the permit:

i. documented historical water use;

ii. current permitted treatment capacity;

iii. design capacity of the intake structure as of January 1, 2011;

iv. design capacity of a pending intake structure permit application deemed administratively complete as of January 1, 2011;

v. an amount necessary to recover, through the sale of water, indebtedness from an outstanding bond or revenue certificate issued prior to January 1, 2011;

vi. for a publicly owned water utility, the safe yield of the utility's existing or permitted water supply only reservoir;

e. the method that will be used to measure the quantity of water that is withdrawn;

f. the location(s) where water withdrawn pursuant to the requested permit is returned to any surface water, including latitude and longitude and notation on a 1:24,000 USGS topographic map or equivalent, and the anticipated percent of water returned at each location;

g. any information necessary for the Department to assess a request for a permit length greater than the thirty (30) year period specified in item H.1.a. of this regulation (not to exceed a total of forty (40) years) or to assess the need for an additional period (not to exceed a total of fifty (50) years) for a municipality or other governmental body to retire a bond it issued to finance the construction of waterworks as specified in item H.1.b.; and

h. the estimated ratio between water withdrawn and consumptive use of water withdrawn.

2. Requests for Additional Flow.

If an applicant requests additional withdrawal quantity over and above the quantity documented in item D.1.d above, pursuant to Section 49-4-70 B(3), the Department will evaluate the additional quantity using criteria specified in section E. below with the exception of withdrawers to be permitted pursuant to Sections 49-4-40 and 49-4-45 which will be subject to only the requirements contained in those sections. For withdrawers with multiple withdrawal points, the application must specify the additional quantity requested at each intake. The additional quantity will be specified on the permit for the specific intake. If additional quantity is approved, the withdrawer will continue to be considered an existing surface water withdrawer and permitted as such under Section 49-4-70 (B)(1) with subsequent renewals not subject to the permitting criteria in Section 49-4-80 and not subject to Section 49-4-150.

3. Operations and Contingency Plan Requirements.

Each permittee must prepare and maintain on site, available for inspection, an operational and contingency plan to promote an adequate water supply from the surface water during times when the actual flow of the surface water is less than the minimum instream flow for that particular surface water segment. The existence of a plan is deemed to be an enforceable part of the permit under which the permittee is withdrawing surface water and shall be deemed to control a permitted surface water withdrawal in situations where the actual flow of the surface water is less than the minimum instream flow for that particular stream segment. For an existing surface water withdrawer, the operational and contingency plan will only address appropriate industry standards for water conservation. If initial permits issued under this section are expanded, contingency plans for existing surface water withdrawers must meet the requirements of section E.4 for the volume permitted over and above that of the initial permit.

4. Information to be Included in Permit.

Upon receipt of a complete application and specified fee, the Department must issue to an existing water withdrawer a permit based upon the information contained in the application and specifying the following:

- a. the location of the permittee's intake facility or facilities used or constructed to make withdrawals pursuant to the permit;
- b. the amount of water that may be withdrawn at each intake, based on the appropriate criteria of item D.1.d above, if appropriate, as documented by the applicant and approved by the Department;
- c. the expiration date of the permit, including the period in years of the permit (not to exceed fifty (50) years) as specified in Section 49-4-100 (B);
- d. the amount of water to be discharged back into the surface water body and location of the discharge; and
- e. the requirement for the applicant to submit an operational and contingency plan to address applicable industry standards for water conservation.

E. PERMITS FOR NEW OR EXPANDING SURFACE WATER WITHDRAWERS AFTER JANUARY 1, 2011.

1. Requirement to Obtain Permit to Withdraw.

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After the effective date of this regulation, a new surface water withdrawer must apply for and obtain a surface water withdrawal permit pursuant to this regulation before making a surface water withdrawal. A permitted surface water withdrawer that would like to increase its permitted withdrawal amount must apply to the Department for the additional amount and receive a permit modification prior to increasing the withdrawal; however, for a withdrawer seeking to increase its permitted withdrawal amount, only the proposed increase, over and above a prior permitted amount, will be evaluated under the appropriate criteria of this section, section E.

2. Application Requirements.

Applications for new permits and modification of existing permits must be made on forms to be provided by the Department. The application must contain the following information:

- a. the name, address, phone number(s), principal place of business of the person applying for the permit or permit modification and, if applicable, the name and address of the agent for the applicant;
- b. the location of the proposed intake(s) or the existing intake(s) to be expanded, including:
 - i. name of source waterbody;
 - ii. latitude and longitude of intake;
 - iii. a map showing the withdrawal point(s) on a 1:24,000 scale USGS quadrangle or equivalent;
 - iv. the county in which the intake is located;
 - v. type of source waterbody, such as stream, lake, or estuary;
- c. the place and nature of the proposed use of the surface water withdrawn;
- d. a declaration as to whether any portion of the water to be withdrawn pursuant to the requested permit will cross a basin boundary as defined in item F.2.d of this regulation. If water is to be transferred across basin lines, the application must include:
 - i. the basin, as defined in item F.2.d, to receive the transferred flow, the specific location of the transfer, the entity to which the water is being transferred and the means by which it is being transferred;
 - ii. the maximum quantity of water, in million gallons per month, the applicant is requesting authority to transfer during the life of the permit;
- e. for a proposed new surface water withdrawal, the quantity of surface water requested for withdrawal at each relevant withdrawal point in million gallons per month, with a justification of the quantity requested;
- f. for a proposed expansion of an existing surface water withdrawal, the existing permitted capacity at the specified withdrawal point and the proposed additional amount to be withdrawn in million gallons per month, along with a justification of the quantity requested;
- g. the estimated ratio between water withdrawn and consumptive use of water withdrawn;
- h. for a proposed new or expanding surface water withdrawal whose contingency plan will require use of a supplemental water source, the capacity of the pump(s) that will be used to refill any required supplemental water source or other drought contingency water supply vessels;

- i. the method that will be used to measure the quantity of water that is withdrawn;
- j. anticipated future water needs over and above the quantity being requested in the current permit application;
- k. the location(s) where water withdrawn pursuant to the requested permit will be returned to any surface water, including latitude and longitude and notation on a 1:24,000 USGS topographic map or equivalent, and the anticipated percent of withdrawn water to be returned at each location;
- l. a description of how applicable industry standards on the efficient use of water, if any, have been considered in determining the quantity of water being requested;
- m. where applicable, a draft of the proposed withdrawer's contingency plan addressing operations during time when the actual flow of the surface water is less than or equal to the minimum instream flow plus any flow necessary to protect downstream permitted and registered withdrawals; and
- n. where applicable, any information necessary for the Department to assess a request for a permit length greater than the twenty (20) year period specified in item H.2.a. (not to exceed a total of forty (40) years) or to assess the need for an additional period (not to exceed a total of fifty (50) years) for a municipality or other governmental body to retire a bond it issued to finance the construction of waterworks as specified in item H.2.b.

3. Evaluation Criteria.

a. The Department will evaluate each proposed activity requiring a new or modified surface water withdrawal permit to evaluate the reasonableness of the proposed activity, excepting those projects permitted under Section 49-4-40 or Section 49-4-45(A)(1) which will be subject to only the requirements contained in those sections. This evaluation shall address the impacts of the withdrawal on the surface water body and will make determinations in compliance with the requirements of Section 49-4-10 et seq. and this regulation. If a proposed new or expanding project is determined to be reasonable based on these criteria, a permit must be issued. Surface water withdrawals made by permitted or registered withdrawers shall be presumed to be reasonable. In assessing the reasonableness of the proposed withdrawal, the Department will address and consider the following factors.

i. The minimum instream flow or minimum water level for the surface water source at the location of the proposed surface water withdrawal will be evaluated as follows.

(A) The minimum instream flow for stream segments that are not downstream of a licensed or otherwise flow controlled impoundment or that are no longer materially influenced by a licensed or otherwise flow controlled impoundment is forty (40) percent of the mean annual daily flow for the months of January, February, March, and April; thirty (30) percent of the mean annual daily flow for the months of May, June, and December; and twenty (20) percent of the mean annual daily flow for the months of July through November. The minimum instream flow for stream segments that are not downstream of and influenced by a licensed or otherwise flow controlled impoundment or that are no longer materially influenced by a licensed or otherwise flow controlled impoundment will be calculated as follows:

(1) an appropriate USGS or Department approved gaging station (or stations as appropriate), known as an index station, for determining the flow at the withdrawal point will be determined, considering factors such as but not limited to drainage area, flow characteristics, physiographic province, period of record, and land use;

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(2) the mean annual daily flow coefficient (CFS/square mile) at the index station will be determined with adjustments as needed to address the impact of any withdrawals or discharges upstream of the gaging station;

(3) the mean annual daily flow at the proposed withdrawal site will be determined based on the appropriate gage information and the drainage area at the proposed withdrawal site; and

(4) the three seasonal minimum instream flows will be developed based on twenty (20) percent, thirty (30) percent and forty (40) percent of the calculated mean annual daily flow.

(B) The minimum instream flow for surface water withdrawal points located on a surface water segment downstream of and materially influenced by a licensed or otherwise flow controlled impoundment shall be the flow specified in the license, by the appropriate governmental agency with regulatory authority for the flow controlled impoundment, as protective of downstream uses. A withdrawal point is considered to be materially influenced by a licensed or otherwise flow controlled impoundment to the point in the stream where the Department demonstrates through flow modeling or analysis of flow data that the stream segment is no longer materially influenced by the licensed or otherwise flow controlled impoundments. The minimum instream flow below this point will be as determined in item E.3.a.i(A) above.

(C) Minimum water level for impoundments will be determined as follows.

(1) For licensed or otherwise flow controlled impoundments, the minimum water level will be the level established by an existing federal regulatory process. When a surface water withdrawal point is located on a licensed or otherwise flow controlled impoundment, a withdrawal permit may not authorize the withdrawal of surface water in an amount that would cause a reservoir:

(a) water level to drop below its minimum water level; or

(b) to be unable to release the lowest minimum flow specified in the license for that impoundment as issued by the appropriate government agency.

(2) For impoundments for which a minimum water level has not been established by an existing federal regulatory process, an appropriate minimum water level will be established through consultation between the Department and the operator of the impoundment.

(3) The requirements of E.3.a.i(A) and (B) do not apply to withdrawals from a licensed or otherwise flow controlled impoundment.

ii. The safe yield at the point of withdrawal will be evaluated as follows.

(A) For withdrawals in a stream segment not influenced by a licensed or otherwise flow controlled impoundment, the safe yield is calculated as the difference between the mean annual daily flow and twenty (20) percent of mean annual daily flow at the withdrawal point, taking into consideration natural and artificial replenishment of the surface water and affected downstream withdrawals.

(B) For withdrawals located on a stream segment materially influenced by a licensed or otherwise flow controlled impoundment, the safe yield is calculated as the difference between mean annual daily flow and the lowest designated flow in the license specified for normal conditions (non-drought), taking into consideration natural and artificial replenishment of the surface water and affected downstream withdrawals and natural attenuation of the stream flow between the licensed or otherwise flow controlled impoundment and the surface water withdrawal point.

(C) For withdrawals from a licensed or otherwise flow controlled impoundment, safe yield is calculated as the maximum amount that would not cause a reservoir water level to drop below its minimum water level or to be able to release the lowest minimum flow specified in the license for that impoundment as issued by the appropriate governmental agency.

(D) For withdrawals from an impoundment that is not considered a licensed or otherwise flow controlled impoundment under this regulation, the safe yield is calculated as the maximum amount that would not cause the impoundment water level to drop below its minimum water level as established by the Department with input from the applicant and the owner(s) and operator(s) of the impoundment consistent with E.3.i(C)(2) above.

(E) Safe yield shall be considered as one factor in issuing a withdrawal permit as outlined in Section 49-4-80(B). Should withdrawals in excess of the safe yield be permitted, additional contingency planning shall be required of the permittee.

iii. The anticipated effect of the applicant's proposed use on existing users of the same surface water source, including, but not limited to, present agricultural, municipal, industrial, electrical generation, and instream users, will be considered by accounting for existing withdrawals from, and natural and artificial replenishment of, the waterbody in determining the safe yield of the stream and when determining operations and contingency plan requirements of section E.4 of this regulation.

iv. The reasonable foreseeable future need for the surface water including, but not limited to, agricultural, municipal, industrial, electrical generation and instream uses will be considered. Prior to issuing a permit for a new or expanding withdrawal, the Department will consider any relevant comments made during the public comment period and any other complete applications for a withdrawal from the same waterbody when considering the reasonable future needs for the surface water.

v. Whether it is reasonably foreseeable that the applicant's proposed withdrawal(s) would result in a significant, detrimental impact on navigation, fish and wildlife habitat, or recreation will be considered. As part of the review of any proposed new or expanding surface water withdrawal, the Department will solicit input from and consider any comments provided by appropriate state and federal agencies responsible for recreation, navigation, and fish and wildlife habitat, as well as the general public.

vi. The applicant's reasonably foreseeable future water needs from the surface water will be considered. As part of the application for a new or expanding surface water permit, the applicant will be asked to provide information considering future water needs over and above the amount being requested in the permit application.

vii. The impact of applicable industry standards on the efficient use of water, if adhered to by the applicant, will be considered. As part of the application for a new or expanding surface water permit for an industrial withdrawal, the applicant will be required to provide information on how applicable industry standards for the efficient use of water have been used in determining the amount of water being requested and the Department can take this information into account when determining the withdrawal for the proposed project.

viii. The Department shall notify the public of the Department's determination when the safe yield in a river or stream has been fully allocated.

b. An applicant for a new or expanding surface water withdrawal from an existing, licensed or otherwise flow controlled impoundment shall obtain a surface water withdrawal permit pursuant to the criteria below. Nothing in this regulation precludes the requirement for the owner and operator of a proposed new or expanding water withdrawal facility that will be constructed within the boundaries of a reservoir operated by a

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different entity from obtaining the reservoir operator's approval before construction of the proposed new or expanded surface water withdrawal facility.

i. Where the applicant is the owner of a licensed or otherwise flow controlled impoundment that utilizes water from the impoundment and the withdrawal is subject to review and approval of applicable state and federal laws and regulations, including its impoundment licensing authority, the Department shall issue a permit for the withdrawal upon submittal of a proper permit application to provide information needed for the Department to issue a permit consistent with the Act.

ii. Where the applicant is not the owner of the licensed impoundment that will be the source of the withdrawal, a permit will be issued upon proper application in accordance with the criteria contained in E.3.a of this regulation. Where the owner or federally authorized agency managing the licensed impoundment or where the licensing agency requires review and approval subject to applicable state and federal laws and regulations, the Department will consider all information provided by the applicant as part of the process necessary to gain approval of the withdrawal. The Department reserves the right to require any additional information, over and above that required by the managing entity, deemed necessary to adequately review the proposed withdrawal, consistent with E.3.a above. Upon completion of the review process and determination of an acceptable withdrawal quantity that is within the safe yield and in compliance with the minimum water level of the impoundment, and submittal of a complete application, the Department will issue an appropriate permit for the withdrawal.

iii. Where the applicant is not the owner of the impoundment that is to be the source of the withdrawal and said impoundment is not licensed or the license does not include a flow prescription or minimum lake level, the Department will work with the impoundment owner and the applicant to determine the minimum water level and safe yield of the impoundment. The Department may require the applicant to supply information necessary to determine the safe yield of the impoundment. Upon completion of the review process and submittal of a complete application, the Department may issue an appropriate permit for the withdrawal, consistent with the provisions of this regulation.

iv. When a surface water withdrawal point is located on an impoundment that serves as a water supply for a federally licensed facility that is also an existing surface water withdrawer, a withdrawal permit may not authorize any new surface water withdrawer to withdraw surface water in an amount that would negatively impact the continued operation of the federally licensed facility. These requirements do not apply to an expansion or addition of units at a federally licensed facility.

4. Operations and Contingency Plan Requirements.

Anytime the flow at the point of the permitted withdrawal is less than or equal to the minimum instream flow and taking into consideration natural and artificial replenishment of the surface water and existing or planned consumptive and nonconsumptive uses affected by the withdrawal downstream, the permitted surface water withdrawer must implement applicable portions of its water contingency plan and, excepting public water systems addressed in Section 49-4-150(A)(6), will discontinue facility consumptive water uses from the surface water source such that continued withdrawals will result in no net decrease in flow below the facility's discharge.

a. Each permittee must prepare and maintain on site, available for inspection, an operational and contingency plan to promote an adequate water supply from the surface water during times when the actual flow of the surface water is less than the minimum instream flow, plus any flow necessary to protect downstream permitted and registered withdrawals, taking into account natural and artificial replenishment of the surface water, for that particular surface water segment. The existence of a plan is deemed to be an enforceable part of the permit under which the permittee is withdrawing surface water and shall be deemed to control a permitted surface water withdrawal in situations where the actual flow of the surface water is less than the minimum instream flow for that particular stream segment.

b. For applicable new or expanding surface water withdrawers, the plan must identify actions to be taken to address low flow conditions, including: water conservation, use of supplemental water supplies, use of off-stream water storage, operational changes, seasonal water flow fluctuation withdrawals, or hydroelectric operations in controlled surface waters. For expansion of permits initially issued under section D above, the requirements of this section only apply to the permitted amount over and above the permitted quantity of the initial permit.

c. Public water systems must develop operational and contingency plans consistent with E.4.b. above and implement their plan, applicable to their service territory, commensurate with the drought level declared by the State Drought Response Committee and in accordance with any drought response plan required by the owner of a licensed impoundment that they use as a water source.

d. Non-public water withdrawers must develop operational and contingency plans consistent with E.4.b. above and implement them consistent with the requirements of this section and act in accordance with any drought response plan required by the owner of a licensed impoundment that they use as a water source.

e. For surface water withdrawers with an operational and contingency plan requiring one or more supplemental sources of water to be used for continued facility operations during minimum instream flow conditions, the supplemental water supply needed will be addressed as follows.

i. For a surface water withdrawer proposing to use surface water as all or a portion of the supplemental water supply:

(A) Where only surface water will be used as a supplemental supply, the volume of water required to be stored is set forth in Section 49-4-150(A)(2)(c), and the following used as an aid to such determinations.

(1) Using an appropriate USGS or Department approved gaging station, historical flow at the withdrawal point will be determined. Factors to be considered in determining an appropriate index station include but are not limited to drainage area, flow characteristics, physiographic province, period of record, and land use.

(2) Using the flow record at the appropriate index station, a daily flow record for the longest period of record feasible will be determined at the proposed withdrawal point. All years experiencing periods of flow below the minimum instream flow for the months July through November will be determined and evaluated, up to and including the drought of record. For the purposes of this section, the drought of record will be considered the July through November period, within the period of record, having the largest number of days with flows equal to or less than the minimum instream flow.

(3) Using the flow records of July through November periods experiencing flows equal to or less than the minimum instream flow, including but not limited to the drought of record, the Department will determine a supplemental water volume for inclusion in any permit to be issued for the withdrawal. The supplemental water volume is not required to be any larger than the quantity that allows for facility operations during twenty percent mean annual daily flow conditions, based upon a review of historical low flow data and projected facility consumptive water uses during low flow periods. Facility consumptive water uses means the amount of water that is lost and not returned to the source waterbody during normal operations.

(4) If an appropriate index station with an appropriate period of record is not available, the Department, in consultation with the applicant, will determine an appropriate storage volume using the best information available. The USGS and/or SCDNR may be consulted as needed.

(B) For a surface water withdrawer proposing to utilize surface water in conjunction with other supplemental sources to satisfy contingency plan requirements, the volume of supplemental supply needed will

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be determined as in item E.4.e.i(A) above with due consideration given to the volume of water to be supplied by sources other than surface water when determining drought contingency pond size.

(C) A permitted surface water withdrawer utilizing a drought contingency pond as all or some of its supplemental water source may withdraw the entire volume of water from the pond during low flow periods requiring supplemental water source usage. Water withdrawn from drought contingency ponds is not subject to environmental and permitting restrictions unless or until it is discharged to state waters. The Department will designate drought contingency ponds, a type of supplemental water source, as part of an approved operational and contingency plan.

(D) For withdrawals where the withdrawal point is not located on a licensed or otherwise flow controlled impoundment, a permitted surface water withdrawer may withdraw water from the permitted surface withdrawal point in order to refill its supplemental water source, or other drought contingency water supply vessels, anytime the river flow exceeds the minimum instream flow, provided the total amount withdrawn for daily operations and for refilling the supplemental water source or other drought contingency water supply vessel does not cause the flow downstream of the withdrawal point to go below the minimum instream flow plus any flow necessary to protect downstream permitted and registered withdrawals.

(E) For withdrawals where the withdrawal point is located on a licensed or otherwise flow controlled impoundment, the permitted withdrawer may withdraw water to refill his supplemental water source or other drought contingency water supply vessel anytime the total amount withdrawn for daily operations and for refilling the supplemental water source does not cause the reservoir water level to drop below its minimum water level or to be unable to release the lowest minimum flow specified in the license for the impoundment as issued by the appropriate government agency.

ii. For a surface water withdrawer proposing to utilize groundwater obtained on its site as a supplemental source, the applicant must document the availability of groundwater of sufficient quantity to provide for the withdrawer's daily needs for a period of time at least equal to the period of time the surface water will be unavailable as determined in item E.4.e.i(A) above. Any permits or approvals required to extract groundwater for use as a supplemental source must be obtained prior to issuance of a surface water withdrawal permit.

iii. For a surface water withdrawer proposing to utilize as their supplemental source water purchased from: another surface water withdrawer; a permitted discharger; a supplier using groundwater as its source; or other source approved by the Department, the withdrawer must demonstrate via contract or other legally binding commitment the availability of a sufficient quantity of water to provide for the withdrawer's daily needs for a period of time at least equal to the period of time the surface water will be unavailable as determined in item E.4.e.i(A) above.

iv. New surface water withdrawers are not required to engineer the supplemental water source identified in their contingency plan any larger than the quantity that allows for facility operations during twenty percent mean annual daily flow conditions, based upon a review of historical low flow data and projected facility consumptive water uses during low flow periods.

v. A new surface water withdrawer may not return to the withdrawal source when its supplemental water source is exhausted unless the supplemental water source has been engineered to meet the specifications of this section.

vi. If after all reasonable contingency plans have been implemented, and the surface water withdrawer is within fifteen (15) days of exhausting the usable water supply from its supplemental water source, a new surface water withdrawer may give notice to the Department that he is exhausting his supplemental water sources and that he intends to return to the withdrawal source in amounts up to his permitted amount. Notification must be made in writing as expeditiously as possible, to include electronic communication, to the

address provided in the permit. Upon receiving notice, the Department must determine whether all or any portion of the withdrawal for facility consumptive water uses will result in a significant negative impact to an existing user or the environment if the permitted withdrawal is resumed. If the Department does not make its determination within ten (10) days of receipt of notice, the permittee may make withdrawals up to the permitted amount and do so until notified by the Department whether all or any portion of the withdrawal for facility consumptive water uses will result in a significant negative impact to an existing user or the environment during this low flow period. Upon notification by the Department, the permittee will cease withdrawals for facility consumptive water uses that will result in any significant negative impact.

f. The Department must consult with the SCDNR to determine which, if any, existing stream gaging station should be utilized to quantify the stream flow at the point of the proposed withdrawal. The Department may also seek the input of the applicant in determining a suitable means to measure or extrapolate the stream flow at the point of the proposed withdrawal. If no existing stream gage is suitable for measuring or extrapolating the flow at which the applicant's water withdrawal must be reduced due to inadequate stream flow, the SCDNR will recommend the location of a new stream gage.

g. The Department must consult with the SCDNR to quantify the stream flow measured at the specified measuring device that will require a reduction in the applicant's water withdrawal because of inadequate stream flow at the point of withdrawal.

5. Information to be Included in Permit.

Upon review of an application for a new surface water withdrawal permit, the Department will: issue the permit for the volume requested in the application; issue the permit for a lesser volume; or, deny the permit. If the Department intends to issue the permit for a lesser volume, or to deny the permit, the applicant will be notified prior to issuance of a final decision. A new surface water withdrawal permit issued by the Department shall include, at a minimum:

- a. the location of the permittee's intake facility or facilities used or constructed to make withdrawals pursuant to the permit;
- b. the amount of water that may be withdrawn;
- c. the expiration date of the permit and the permit duration in years;
- d. a copy of the final operational and contingency plan developed by the applicant, in conjunction with the Department, addressing operations during times when the actual flow of the surface water is less than or equal to the minimum instream flow plus any flow necessary to protect downstream permitted and registered withdrawals;
- e. the amount of water to be discharged back into the surface water body and location of the discharge;
- f. the volume of supplemental water supply, if needed;
- g. the minimum instream flow at the point of withdrawal, if applicable;
- h. the minimum instream flow triggers that will determine if the permittee's withdrawal must be reduced, if appropriate;
- i. the stream flow that will be used to notify the applicant of starting the reduction of withdrawal as appropriate;
- j. the minimum water level of an impoundment, if appropriate;

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k. a clear statement that the terms and conditions of the permit are subject to the provisions of the S.C. Drought Response Act; and

l. the address to which a surface water withdrawer must mail notice of intent to return to withdrawing a consumptive amount of surface water.

F. PUBLIC NOTICE REQUIREMENTS FOR NEW OR EXPANDING SURFACE WATER WITHDRAWALS AFTER JANUARY 1, 2011.

Applications for new permits or to significantly increase the amount of water that may be withdrawn under an existing permit must be placed on public notice as required by this regulation to inform the public of the proposed activity and provide the public with the opportunity to comment on the proposed project and request that a public hearing be held. The applicant shall provide to the Department all appropriate information necessary to conduct public notice except that already on file with the Department.

1. Public Notice of New Permits Not Considered Interbasin Transfers or Expanding Surface Water Withdrawals After January 1, 2011.

Upon receipt of a complete application and filing fee for a new surface water withdrawal permit not considered an interbasin transfer under this regulation or a proposal to significantly increase the amount of water that may be withdrawn under an existing permit, the Department must, within thirty (30) days, provide the public with notice of the application.

a. The Department will publish notice of the proposed withdrawal or increased withdrawal:

i. in accordance with the Department's usual public notice procedures;

ii. in a newspaper of statewide circulation and in the local newspaper with the greatest general circulation in the affected area; and

iii. on the Department's website.

b. The public notice must contain:

i. the location of the proposed withdrawal or increased withdrawal;

ii. the amount of the proposed withdrawal;

iii. the use for which the water will be withdrawn;

iv. a description of the procedure that a person must follow to submit a comment concerning the proposed withdrawal or increase; and

v. the process for requesting a public hearing concerning the application.

c. If within thirty (30) days of the publication of the public notice the Department receives a request to hold a public hearing from at least twenty (20) citizens or residents of the affected area, the Department must conduct a hearing. A hearing may also be held whenever the Department staff determines that it may be useful in reaching a decision on an application. The hearing must be held within ninety (90) days of the close of the initial public notice period at an appropriate time and in an appropriate location near the specific site of the proposed surface water withdrawal. The hearing may not be held until after at least thirty (30) days' notice is given to the public. Notice shall be provided as in F.1.a above and shall include the provisions of F.1.b plus the date, time and location of the hearing.

d. If a public hearing is held, the public comment period on an application will automatically be extended to fifteen (15) days past the date of the hearing. Further extensions may be granted at the discretion of the Department.

e. The following fifteen (15) river basins are to be used when determining the affected area for a particular surface water withdrawal application. ‘Affected area’ is defined in section B as that portion of a county or counties within a river basin that, under the circumstances, are determined by the Department to likely be affected by a proposed surface water withdrawal.

i. The Upper Savannah River Basin drains the area from the headwaters of the Savannah River at the border with North Carolina and Georgia to Stevens Creek Dam and encompasses McCormick and Oconee Counties and portions of Abbeville, Aiken, Anderson, Edgefield, Greenwood, Pickens and Saluda Counties.

ii. The Lower Savannah River Basin drains the area from Stevens Creek Dam to the mouth of the Savannah River at the Atlantic Ocean and encompasses portions of Aiken, Allendale, Barnwell, Edgefield, Hampton and Jasper Counties.

iii. The Saluda River Basin drains the area from the headwaters of the North and South Saluda Rivers at the border with North Carolina to the confluence of the Saluda River with the Broad River and encompasses portions of Abbeville, Aiken, Anderson, Edgefield, Greenville, Greenwood, Laurens, Lexington, Newberry, Pickens, Richland and Saluda Counties.

iv. The Broad River Basin drains the area from the headwaters of the Tyger River in Greenville County, the Enoree and Pacolet Rivers in Spartanburg and Greenville Counties and the Broad River at the border with North Carolina to the confluence of the Broad River with the Saluda River and encompasses Cherokee, Spartanburg and Union Counties and portions of Chester, Fairfield, Greenville, Laurens, Lexington, Newberry, Richland and York Counties.

v. The Congaree River Basin drains the area from the confluence of the Broad and Saluda Rivers to the confluence of the Congaree River with the Wateree River and encompasses portions of Calhoun, Lexington and Richland Counties.

vi. The Catawba-Wateree River Basin drains the area from Lake Wylie at the North Carolina border to the confluence of the Wateree River with the Congaree River and encompasses portions of Chester, Fairfield, Kershaw, Lancaster, Lee, Richland, Sumter and York Counties.

vii. The Lynches River Basin drains the area from the Lynches River at the North Carolina border to the confluence of the Lynches River with the Pee Dee River and encompasses portions of Chesterfield, Darlington, Florence, Kershaw, Lancaster, Lee, Sumter and Williamsburg Counties.

viii. The Pee Dee River Basin drains the area from the Pee Dee River at the North Carolina border to the confluence of the Pee Dee River with the Waccamaw River at Winyah Bay and encompasses portions of Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro and Williamsburg Counties.

ix. The Little Pee Dee River Basin drains the area from the Little Pee Dee River and Lumber River at the North Carolina border to the confluence of the Little Pee Dee River with the Pee Dee River and encompasses portions of Dillon, Horry, Marion and Marlboro Counties.

x. The Black River Basin drains the area from the headwaters of the Black River in Kershaw County to the confluence of the Black River with the Pee Dee River and encompasses portions of Clarendon, Florence, Georgetown, Kershaw, Lee, Sumter and Williamsburg Counties.

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xi. The Waccamaw River Basin drains the area from the Waccamaw River at the North Carolina border to the mouth of Winyah Bay at the Atlantic Ocean, the area drained by Bull Creek, the area drained by the Sampit River as well as the coastal areas north to Little River Inlet and the North Carolina border and south to South Island and encompasses portions of Georgetown, Horry and Williamsburg Counties.

xii. The Lower Santee River Basin drains the area from the confluence of the Congaree and Wateree Rivers to the mouth of the Santee River at the Atlantic Ocean and encompasses portions of Berkeley, Calhoun, Charleston, Clarendon, Georgetown, Orangeburg, Sumter and Williamsburg Counties.

xiii. The Edisto River Basin drains the area from the headwaters of the North Fork and South Fork Edisto Rivers in Edgefield, Lexington and Saluda Counties to the mouth of the South Edisto River at St. Helena Sound and the North Edisto River at the Atlantic Ocean and encompasses portions of Aiken, Bamberg, Barnwell, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Edgefield, Lexington, Orangeburg and Saluda Counties.

xiv. The Ashley-Cooper River Basin drains the area from the headwaters of Cypress Swamp and Wadboo Swamp in Berkeley County and the Diversion Canal between Lakes Moultrie and Marion to the mouths of the Ashley and Cooper Rivers at Charleston Harbor and the Atlantic Ocean as well as the coastal areas north to Murphy Island and south to Seabrook Island and encompasses portions of Berkeley, Charleston and Dorchester Counties.

xv. The Combahee-Coosawhatchie River Basin drains the area from the headwaters of the Salkehatchie River in Barnwell County to the confluence of the Combahee River with St. Helena Sound and the Atlantic Ocean and the headwaters of the Coosawhatchie River in Allendale County to the confluence of the Broad River with Port Royal Sound and the Atlantic Ocean as well as the coastal areas south to the Georgia border and encompasses Beaufort County and portions of Aiken, Allendale, Bamberg, Barnwell, Colleton, Hampton and Jasper Counties.

2. Public Notice of New Surface Water Withdrawals After January 1, 2011 Considered Interbasin Transfers.

Upon receipt of a complete application and filing fee for a new surface water withdrawal permit that will be considered an interbasin transfer under this regulation, the Department must, within thirty (30) days, provide notice of the proposed withdrawal and transfer, including notice of the mandatory public hearing for interbasin transfer projects.

a. Notice of the proposed new interbasin transfer permit will be made in the following manner:

i. in accordance with the Department's usual public notice procedures;

ii. by submittal for publication in the South Carolina State Register;

iii. by publication in a newspaper of statewide circulation and in a local newspaper of general circulation in the affected area of the river basin downstream from the point of withdrawal;

iv. by publication on the Department's website; and

v. through standard United States mail to:

(A) any person holding a permit issued by the Department authorizing surface water withdrawals, including interbasin transfers, from the river basin from which the water for the proposed transfer would be withdrawn;

(B) any person holding a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit authorizing wastewater discharge into the river basin where the proposed withdrawal point of the proposed interbasin transfer is located;

(C) any city or county governing body whose jurisdiction is located entirely or partially within the river basin that is the source of the proposed transfer;

(D) the governing body of a public water supply system that withdraws water from the same river basin where the proposed withdrawal point of the proposed transfer is located;

(E) any agency from another state where an interstate water basin is the source of the proposed transfer;

(F) the South Carolina Department of Natural Resources; and

(G) the owner of any licensed or otherwise flow controlled impoundment that would be impacted by the withdrawal.

b. The notice must include:

i. the location of the proposed withdrawal;

ii. the name of the losing basin and the gaining basin;

iii. the amount of the proposed withdrawal and the amount to be transferred from the losing basin;

iv. a non-technical description of the applicant's request;

v. the use for which the water will be withdrawn;

vi. a conspicuous statement in bold type describing the effects of the interbasin transfer on the river basin from which the water will be withdrawn and the river basin into which the withdrawn water will be transferred;

vii. a description of the procedure that a person must follow to submit a comment concerning the proposed interbasin transfer; and

viii. the location, date, and time of the mandatory hearing for the project which is to be held at an appropriate time and appropriate location near the withdrawal point of the interbasin transfer. The hearing may not be held until at least thirty (30) days after publication of the notice in the State Register.

c. The public comment period on an interbasin transfer application will automatically extend to fifteen (15) days past the date of the hearing. Further extensions may be granted at the discretion of the Department.

d. For the purposes of this regulation, an interbasin transfer is considered the transfer of three million (3,000,000) gallons or more of water in any one month from one of the following USGS defined basins to a different basin such that the water is permanently lost from the basin of origin. The transfer of water from one basin to another is not considered an interbasin transfer if transferred water is returned or discharged to the basin of origin such that the quantity of water permanently lost to the basin of origin is less than three million (3,000,000) gallons in any one month.

i. Savannah River Basin, Hydrologic Unit Codes: 03060101, 03060102, 03060103, 03060106, 03060107, 03060109, 03060110;

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- ii. Saluda River Basin, Hydrologic Unit Codes: 03050109, 03050110;
- iii. Santee River Basin, Hydrologic Unit Codes: 03050111, 03050112, 03050201, 03050202, 03050209;
- iv. Edisto River Basin, Hydrologic Unit Codes: 03050203, 03050204, 03050205, 03050206;
- v. Salkehatchie River Basin, Hydrologic Unit Codes: 03050207, 03050208, 03050210;
- vi. Pee Dee River Basin, Hydrologic Unit Codes, 03040104, 03040105, 03040201, 03040202, 03040203, 03040204, 03040205, 03040206, 03040207, 03040208;
- vii. Catawba River Basin, Hydrologic Unit Codes: 03050101, 03050103, 03050104; or
- viii. Broad River Basin, Hydrologic Unit Codes: 03050105, 03050106, 03050107, 03050108.

G. NONCONSUMPTIVE USE SURFACE WATER WITHDRAWAL PERMITS.

1. Requirements to be Considered a Nonconsumptive Use Withdrawer.

Upon proper application and submittal of appropriate fees, the Department shall issue permits for surface water withdrawals that are considered nonconsumptive uses. A nonconsumptive user is one that uses surface water in such a manner that more than ninety (90) percent of the water withdrawn is returned to its waters of origin within the boundaries of contiguous property owned by the surface water withdrawer; provided:

- a. the amount of water not returned to the water source does not exceed three million (3,000,000) gallons during any one month; or
- b. the amount of water not returned to the water source does not significantly reduce the safe yield at the point of withdrawal.

2. Additional Application Requirements for Nonconsumptive Use Permits.

For any person requesting a permit pursuant to Section 49-4-40 (non-consumptive use permit), the application must include, in addition to the other information required in subsection D.1 or E.2 of this regulation, as appropriate, the following:

- a. a tax map showing intake and discharge points and property boundaries;
- b. a discussion of the timing of the discharge of the water, e.g. is any form of hydrograph control release being considered;
- c. for an existing surface water withdrawer as of January 1, 2011, who would like to be considered a nonconsumptive user, an analysis of withdrawal and discharge data for the previous twenty four (24) months showing that the provisions of subsection G.1 above will be met; and
- d. for a proposed new or expanding surface water withdrawer who would like to be considered a nonconsumptive user, an engineering analysis demonstrating that the provisions of subsection G.1 above will be met.

3. Reconsideration of Nonconsumptive Use Status.

If, after twenty-four (24) months of operation, a nonconsumptive permittee is shown not to meet the criteria of a non-consumptive user, the original permit application will be reevaluated. For an existing surface water withdrawer, a permit will be issued under section D of this regulation. For a non-consumptive use permit issued under section E of this regulation, a full review under section E will be conducted and an appropriately conditioned permit issued if the project is found to be reasonable under the Act.

4. Information to be Included in Permit.

A permit for a nonconsumptive use must identify the surface water withdrawer, the point of withdrawal, the maximum withdrawal amount, and the point of return. Such permits are subject only to the reporting requirements of section N.

H. PERMIT DURATION.

Permits issued by the Department, unless revoked or suspended pursuant to statute or this regulation, shall be valid for a period to represent the economic life of any capital investments made by the permittee necessary to carry out the permittee's use of the withdrawn water.

1. Permit Duration for Existing Surface Water Withdrawers as of January 1, 2011.

Permits for existing surface water withdrawers as of January 1, 2011 must be issued for:

a. thirty (30) years for a permittee entitled to an initial permit pursuant to Section 49-4-70(B), or a greater period the Department considers reasonable based upon its review of all the facts and circumstances relevant to the proposed withdrawal not to exceed an additional ten (10) years; or

b. any additional period necessary, not to exceed a total of fifty (50) years, for a municipality or other governmental body to retire a bond it issued to finance the construction of waterworks.

2. Permit Duration for a New or Expanding Surface Water Withdrawer After January 1, 2011.

For applicants for new or expanding surface water withdrawers after January 1, 2011 whose use is found to be reasonable under the provisions of the Act and this regulation, permits must be issued for:

a. twenty (20) years, or a greater period the Department considers reasonable based upon its review of all the facts and circumstances relevant to a proposed withdrawal not to exceed an additional twenty (20) years; or

b. any additional period necessary, not to exceed a total of fifty (50) years, for a municipality or other governmental body to retire a bond it issued to finance the construction of waterworks.

I. RENEWAL PROCESS FOR SURFACE WATER WITHDRAWAL PERMITS.

1. Permits Issued to Existing Surface Water Withdrawers.

a. An existing surface water withdrawer as defined by this regulation may renew its surface water withdrawal permit by making application no more than six (6) months prior to the expiration date, on a form to be supplied by the Department, pursuant to the criteria of section D of this regulation. Renewals of permits held by existing surface water withdrawers are not subject to the permitting criteria in section E. of this regulation, minimum flow requirements, or additional supplemental water contingency planning requirements, and are not subject to the requirements of subsection I.2 of this regulation. A permit shall remain valid during the Department's consideration of a renewal application if the permittee files a complete renewal application prior to the expiration date of the permit. Renewal applications take priority over permit applications for new withdrawals. Renewal of a permit issued to an existing surface water withdrawer shall be for the quantity of

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water specified in the current permit unless the Department demonstrates that the quantity above the maximum withdrawals during the permit term are not necessary to meet the permittee's future needs.

b. An existing surface water withdrawer as defined by this regulation may, while renewing its surface water withdrawal permit, simultaneously apply for a modification to increase the amount of withdrawal. While the Department will review and approve the initially authorized amount consistent with section D. of this regulation, the proposed expansion will be evaluated based on the criteria of section E. of this regulation. If a modification is granted allowing additional withdrawal flow, subsequent permit renewals will evaluate the amount authorized in the initial permit under item I.1.a of this regulation while any additional amount authorized after issuance of the initial permit will be evaluated under item I.2.a. of this regulation. However, an application to modify an existing permit for a significant increase in the quantity of the withdrawal for surface water withdrawals authorized pursuant to Section 49-4-40 or Section 49-4-45 shall be subject only to the requirements set forth in that section.

2. Permits Issued to Surface Water Withdrawers Considered New or Expanding After January 1, 2011.

a. Any person considered a new surface water withdrawer permitted after January 1, 2011, or an existing surface water withdrawer issued a modification to their initial permit under section E may request renewal of its permit by making application no more than six (6) months prior to the expiration date, on a form to be supplied by the Department. A permit shall remain valid during the Department's consideration of a renewal application if the permittee files a complete renewal application prior to the expiration date of the permit. The renewal application for a new surface water withdrawer will be evaluated based on the criteria of section E of this regulation. The renewal application for an existing surface water withdrawer as defined by this regulation who has received an expanded surface water permit under section E will be evaluated under the appropriate criteria of sections D and E. Unless a modification is requested, permits must be renewed for a quantity equal to the expired permit unless the Department demonstrates that the quantity above maximum withdrawals during the permit term is not necessary to meet the permittee's future needs. Renewal applications take priority over permit applications for new withdrawals.

b. A surface water withdrawer may, while renewing its permit, simultaneously apply for a modification to increase the amount of withdrawal. Any proposed expansion quantity will be evaluated based on the criteria of section E. of this regulation; however, any significant increase in surface water withdrawals authorized pursuant to Section 49-4-40 or Section 49-4-45 shall be subject only to the requirements set forth in that section.

J. ACTIONS ON PERMIT APPLICATIONS MODIFICATIONS, REVOCATIONS AND DENIALS.

1. Authority to Take Action on Permits.

The Department may modify, suspend, or revoke a permit under the following conditions:

a. the permit holder withdraws water not authorized by its permit or fails to comply with the terms and conditions of its permit;

b. the permit holder obtains a permit by misrepresentation or fails to disclose a material fact in its application;

c. the permit holder ceases to withdraw water for a period of at least thirty-six (36) consecutive months;

d. a permanent change in natural conditions results in a permitted activity endangering human health or the environment; or

e. if a permit holder requests a significant increase in surface withdrawal quantity, a significant change in use, such as a new or increased interbasin transfer, or a change in consumptive use.

2. Transferability of Permits.

a. Surface water permits are transferable with the prior written consent of the Department provided:

i. the current permittee notifies the Department at least sixty (60) days in advance of the proposed transfer date; and

ii. the activities and uses of the new permittee are consistent with the activities of the original permittee.

b. In determining whether to allow the transferring of a permit, the Department will consider:

i. whether the use to be made of the water by the new permittee is consistent with the previous use;

ii. the quantity of water to be used by the new permittee as compared to permitted amount and previous use;

iii. if consumptive use under the new permittee is consistent with the previous permittee; and

iv. the location of water use under the new permittee.

c. Depending on the specifics of the proposed transfer, the Department may transfer the permit as originally issued, transfer the permit at a decreased flow or deny the transfer.

K. EXISTING INTERBASIN TRANSFER PERMITS AND REGISTRATIONS.

The expiration date of an interbasin transfer permit or interbasin registration, including any water withdrawal right or authority contained in the permit or registration, in existence on January 1, 2011, remains effective. For the purposes of this chapter, existing interbasin transfer permit or interbasin registration holders are deemed to be existing surface water withdrawers. A renewal of an interbasin transfer permit or registration must be made pursuant to the criteria established in Section 49-4-10 et seq. for existing surface water withdrawers, except that permits or registrations renewed within three (3) years after the effective date of this chapter must be renewed for a quantity at least equal to the permitted quantity in the expired permit. All other renewals must be issued in accordance with the criterion applicable to existing surface water withdrawers and for a quantity equal to the permitted quantity in the expired permit, unless the Department demonstrates by a preponderance of the evidence that the quantity above maximum withdrawals during the permit term are not necessary to meet the permittee's future need.

L. REGISTRATION OF AGRICULTURAL WITHDRAWALS.

1. Requirement to Register.

a. Persons withdrawing water in excess of three million (3,000,000) gallons during any one (1) month for agricultural purposes must register their use with the Department on forms provided by the Department.

b. Registered surface water withdrawers are subject to the reporting requirements but not the permitting requirements of this regulation.

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c. A registered surface water withdrawer may, at any time, request an increase in its registered amount; however, withdrawals that are not substantially greater than the registered amount do not necessarily require a modification to the registration.

d. Nothing in this regulation prohibits a registered surface water withdrawer from applying for and receiving a surface water withdrawal permit, consistent with applicable provisions of this regulation. A registered surface water withdrawer that obtains a permit is entitled to all of the rights conferred upon by a permit.

2. Existing Agricultural Withdrawals.

a. An existing agricultural withdrawer already reporting its withdrawal to the Department as of January 1, 2011, may maintain its withdrawal(s) at its highest reported level or at the design capacity of the intake structure(s) existing as of January 1, 2011, and is deemed to be registered with the Department.

b. The Department will notify the withdrawer of the registration and the allowed level of withdrawal based on the highest reported level of withdrawal. The notification will stipulate that the withdrawer may, no later than sixty (60) days from the date of notification, provide to the Department appropriate documentation showing the permanent intake capacity as of January 1, 2011 to be greater than the highest reported level of withdrawal and be registered for the higher amount.

3. New or Expanding Agricultural Withdrawals After January 1, 2011.

a. A person proposing to withdraw water for agricultural purposes in a quantity anticipated to meet the criteria of a surface withdrawer or an existing registered withdrawer seeking to increase its registered amount must report, on a form to be supplied by the Department, its anticipated withdrawal quantity or increase to the Department for determination as to whether that quantity is within the safe yield for that water source at the time of the request. The safe yield will be determined consistent with item E.3.a.ii of this regulation.

b. Upon making a safe yield determination, the Department must send a description of its determination to the proposed registered surface water withdrawer by registered mail.

i. If the anticipated withdrawal quantity or increase is determined to be within the safe yield of the source waterbody, the withdrawal will be considered registered with the Department for the anticipated quantity and the notification will constitute authorization to proceed with construction and operation of the withdrawal at the specified amount.

ii. If the anticipated withdrawal quantity or increase is determined not to be within the safe yield of the source waterbody, then the proposed new registered surface water withdrawer may not proceed with the construction or installation of a new water intake pursuant to this regulation nor can an existing registrant increase withdrawals above their current registered amount. However, the registrant may modify its request to reflect a reduced withdrawal quantity or increase that is within the safe yield.

c. A person receiving authorization to construct and operate a withdrawal or expand an existing withdrawal under this section must notify the Department of completion of the intake or expansion within thirty (30) days after completing construction. If notification of completion of construction is not received by the Department within one (1) year of the date of authorization provided under item L.3.b.i above, authorization to construct or expand and operate a surface water withdrawal is revoked unless the Department extends the time period.

4. Application Requirements.

a. At a minimum, the form for reporting an anticipated withdrawal quantity, for registering a withdrawal, or for requesting an increase in the amount of surface water withdrawn must include the following information:

i. the name, address, phone number(s), principal place of business of the person applying for the registration or registration modification and, if applicable, the name and address of the agent for the applicant;

ii. the location of the proposed intake(s) or the existing intake(s) to be expanded, including:

(A) name of source waterbody;

(B) latitude and longitude of intake; and

(C) a map showing the withdrawal point(s) on a 1:24,000 scale USGS quadrangle or equivalent;

iii. the quantity of water for which the registration is being requested;

iv. the capacity of the intake; and

v. the type of intake, either permanent or mobile.

b. [Reserved]

5. Regulatory Authority.

The Department may modify the amount an existing registered surface water withdrawer may withdraw, or suspend or revoke a registered surface water withdrawer's authority to withdraw water, if the registered surface water withdrawer withdraws substantially more surface water than he is registered for and the withdrawals result in detrimental effects to the environment or human health.

M. TEMPORARY PERMITS AND EMERGENCY WITHDRAWALS.

1. Temporary Permits.

a. The Department may issue a temporary surface water withdrawal permit to a new applicant while its application is pending, if:

i. a complete application has been submitted pursuant to section E. of this regulation; and

ii. the temporary permit is necessary to address an imminent hazard to public health; or,

iii. the applicant demonstrates that without a temporary permit he will suffer physical or financial damage.

b. A temporary permit must contain an expiration date, which must not be more than one hundred eighty (180) days after it was issued.

c. A temporary permit for a new surface water withdrawal cannot be issued for a quantity of water greater than the quantity specified in the complete application.

d. A temporary permit must specify the minimum instream flow at the point of the proposed withdrawal and include a provision that the withdrawal cannot cause the instream flow below the withdrawal to fall below the minimum instream flow.

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e. It shall be the responsibility of any new surface water withdrawer issued a temporary permit to document instream flow for the duration of the temporary permit.

f. A person may request a temporary permit through submittal of the initial permit application or at any time during the agency review of the initial permit application.

2. Emergency Withdrawals.

a. The following withdrawals are exempt from the permitting, registering, and reporting requirements:

i. firefighting;

ii. hazardous substance or waste-spill response; and

iii. other emergency withdrawal of water determined necessary by the Department to protect public health and safety.

b. An emergency withdrawal of water shall not exceed thirty (30) consecutive days.

c. It is the intent of this section to allow emergency withdrawals only in cases necessary to protect public health and safety. Economic duress is not considered an emergency under this regulation.

N. REPORTING.

1. Requirement to Report.

Each permitted or registered surface water withdrawer must file a report with the Department of the quantity of water withdrawn by that surface water withdrawer annually before February first, on forms furnished by the Department.

2. Methods of Measuring Withdrawal Quantity.

The quantity of surface water withdrawn must be determined by one of the following:

a. flow meters accurate to within ten percent of calibration;

b. the rated capacity of the pump in conjunction with the use of an hour meter, electric meter, or log;

c. the rated capacity of the cooling systems;

d. any standard or method employed by the USGS in determining these quantities; or

e. any other method found to provide reliable water withdrawal data approved by the Department.

3. Reporting Exemption.

Permitted and registered surface water withdrawers who are required to file a surface water withdrawal report pursuant to regulation are not required to submit the report if the monthly quantity withdrawn from each intake is being reported to the Department as a result of another environmental program reporting requirement, permit condition, or consent agreement.

O. ENFORCEMENT.

1. Violations.

A surface water withdrawer who commits a violation of this regulation:

a. is subject to a civil penalty of not more than ten thousand (10,000) dollars for each day that the violation occurred; or

b. is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand (10,000) dollars for each day that the violation occurred, if the violation is willful.

2. Penalties.

All penalties and fines collected pursuant to this section must be deposited in the general fund of the State of South Carolina.

P. OTHER DEPARTMENT AUTHORITY.

1. Department Authority.

a. The Department may, in consultation with the SCDNR, negotiate agreements, accords, or compacts on behalf of and in the name of the State of South Carolina with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the Board pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented.

b. The Department may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states that may affect this State.

c. The Department must notify the Chairman of the Senate Agriculture and Natural Resources Committee and the Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee when the Department enters into negotiations or otherwise represents the State as provided in this section. The Department must periodically report, as necessary or upon request, to the chairmen concerning the progress of the negotiations or representation.

d. Department representatives may enter upon any land or water for the purpose of conducting investigations, examinations, or surveys necessary to carry out its duties and responsibilities provided in this regulation. The Department will adhere to security and safety requirements that may apply at the site and/or facility.

e. The Department may receive financial and technical assistance from private entities, the federal government, or another state agency.

f. The Department may take any action reasonable and necessary to enforce the provisions of this regulation.

2. [Reserved]

Q. SURFACE WATER PERMITTING AND WITHDRAWAL FEES.

1. Fee Structure.

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The Department is authorized to collect a fee for each permit application and an annual operating fee for each permitted intake. The fee collected must be returned to the Department for the purposes of implementing the Surface Water Permitting and Withdrawal regulatory program including permit application review, compliance inspections, and enforcement; and for providing technical assistance and monitoring. The fee(s) shall be as follows:

Existing surface water withdrawal permit application processing fee	\$1,000
New surface water withdrawal permit application processing fee	\$7,500
Modification of surface water withdrawal permit application processing fee	\$2,000
Renewal of surface water withdrawal permit with modifications application processing fee	\$1,000
Surface water withdrawal annual operating fee per permitted intake	\$1,000

2. Application Processing Requirements.

a. Application fees shall be due when the application is submitted. The Department will not process an application until the application fee is received. If the applicant withdraws the permit application anytime before the application has been deemed administratively complete, the Department shall refund the entire application fee to the applicant.

b. Upon receipt of an application and appropriate fee, the Department must within ninety (90) days make a decision on the completeness of the application. If notice that the application is administratively complete or notice that the application is not Administratively Complete, together with notice of the specific items deemed to be lacking, is not mailed to an applicant within ninety (90) working days of receipt of an application, the application is deemed complete and the allowed processing time period will begin.

c. Once an applicant has been notified that the application is administratively complete or has been deemed complete according to item 2.b above, the Department shall issue or deny the permit within three hundred sixty five (365) days of that date. If no permit decision has been rendered by the end of the relevant time period, the application fee shall be refunded. If an application fee is refunded due to the Department exceeding the relevant time period, the application remains active.

d. The time period shall be tolled in the following instances.

i. The time period shall be tolled when the Department makes a written request for additional information and shall resume when the Department receives all requested information from the applicant. If an applicant fails to respond to or satisfy such a request within one-hundred eighty (180) days, the Department shall consider the application withdrawn and the application fee will be forfeited. The Department shall notify the applicant no later than ten (10) days prior to expiration of the 180-day period.

ii. The time period shall be tolled if the applicant requests that the permit review be suspended or if the applicant requests in writing that additional time be provided and the Department agrees to the request in writing and specifies an additional period.

iii. The time period shall be tolled if the Department, at least ten (10) days prior to the expiration date, requests a delay in the review process to which the applicant agrees.

iv. The time period shall be tolled if the Department holds a public hearing, in which case the time schedule will be tolled for no more than sixty (60) days.

v. The Department shall notify the applicant when the time period is being tolled and untolled.

e. All times given in days are given in calendar days unless otherwise noted. The last day of the period is to be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. The day notice is mailed to the applicant that the application is deemed administratively complete shall be counted.

f. The Department may determine that the applicant has filed a new application whenever additional information provided by the applicant during any Departmental review period, in response to any statement identifying deficiencies in the application or supporting materials, or during any period allowed for public comment, either:

i. results in a change in the category in which the permit application is classified; or

ii. significantly increases or changes the nature of the potential effects of the proposed project or activity on public health and safety or the environment.

iii. Upon making a determination that the applicant has filed a new application, the Department shall promptly notify the applicant in writing. The notice shall indicate the basis for the determination and summarize the provisions relative to such determinations.

(A) Immediately upon issuance of the notification, the schedule for timely action shall be suspended.

(B) If the determination resulted from a proposed change in design or operation of the proposed project or activity the applicant may, within thirty (30) days, withdraw the change and return to its previous proposal by so notifying the Department in writing. If the applicant so notifies the Department, the schedule for timely action shall resume at the point at which it was suspended.

(C) If the determination resulted from any other cause, or if the applicant does not elect to withdraw the change, the Department shall begin a review of the new application pursuant to the relevant schedule for timely action.

(D) Unless the applicant elects to proceed with the previous application, the original application shall be deemed withdrawn after the start of technical review, and the fee shall be forfeited. Appropriate fees as defined in this section shall be due for the modified application.

(E) The determination that a project has changed shall not be grounds for a request for adjudicatory hearing; however, an applicant aggrieved by such a determination may seek review of the determination as an issue in any appeal of the permit decision.

iv. This provision does not apply to initial permits issued pursuant to section D of this regulation.

g. The time periods for the Department to take any action shall be extended whenever:

i. action by another federal, state, or municipal governmental agency is required before the Department may act; or

ii. judicial proceedings then underway affect the ability of the Department or the applicant to proceed with the application; or

iii. when the Department has commenced enforcement proceedings that could result in revocation of an existing permit for that facility or activity and denial of the application; or

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iv. a check or other form of payment of an application fee is returned for insufficient funds, or if payment in full is in any other manner prevented.

h. The applicant shall promptly notify the Department in writing whenever it believes that action by another governmental agency is required, or that judicial proceedings affect the ability of the Department or the applicant to proceed with the application.

i. The Department shall provide written notice to the permit applicant within fifteen (15) days of making a determination that an extension is necessary. Such notice shall contain a statement of the reasons for which the schedule must be extended.

j. When the Department determines that the reason for such extension is no longer applicable, the Department shall so notify the applicant in writing within fifteen (15) days of making such determination. The time period for the Department to complete a timely review shall begin on the day the notice is mailed.

3. Annual Operating Fees.

a. Annual operating fees per permitted intake are assessed on the State fiscal year of July 1 through June 30 of the following year. The holder of any valid permit on July 1 of each year will be assessed appropriate fees for the entire following fiscal period. Assessment of annual operating fees will begin July 1 following initial permit issuance.

b. Annual operating fees are due within thirty (30) days of billing. Unpaid fees, late fees, and returned checks are subject to the provisions of item Q.3.d below.

c. Unless the permittee seeks an extension of the time for making payment, the permittee shall make payment in full on or before the due date, and in the manner and form, specified in the invoice. Except to the extent authorized by the Department, late payment, nonpayment, partial payment, or failure to make payment in the specified manner and form shall constitute a failure by the permittee to pay the fee when due.

d. Annual operating fees remaining unpaid thirty (30) days after billing will be issued a late notice with no penalty due; however, it will contain advisement of penalty for non-payment after sixty (60) days. Fees remaining unpaid after sixty (60) days will be assessed a ten (10) percent penalty. Persons delinquent will be issued a notice of the ten (10) percent penalty due the Department as well as advisement of further penalties should fees remain unpaid. Fees remaining unpaid at the end of ninety (90) days will be assessed a twenty-five (25) percent penalty in addition to the ten (10) percent sixty (60) day penalty. The sum of both penalties may not exceed five thousand (5,000) dollars. Persons delinquent at the end of ninety (90) days under this paragraph will be notified by the Department by certified mail at their last known address.

4. General Fee Provisions.

a. The Department will not issue new permits, modifications, revisions, or reissue a surface water withdrawal permit for a facility that is in default of fees due under this regulation.

b. All returned checks will be subject to a returned check fee as outlined in the DHEC Administrative Policy and Procedures Manual. This penalty will be in addition to those outlined in item Q.3.d above.

c. Failure to pay fees may result in the revocation of an existing permit.

d. All fees shall be payable to the Department of Health and Environmental Control and mailed to the Bureau of Finance, 2600 Bull Street, Columbia, S.C. 29201.

R. COMPLIANCE WITH OTHER STATUTES AND REGULATIONS.

Nothing in this regulation shall relieve any person regulated herein of the duty to comply with all other applicable statutes and regulations.

S. SEVERABILITY CLAUSE.

If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this regulation is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this regulation.

121.10.1 through 121.10.10. [Repealed]

121.12.1 through 121.12.14. [Repealed]

Fiscal Impact Statement:

The regulatory program will be fee funded. No additional cost will be incurred by the State or its political subdivisions by implementation of Regulation R.61-119. No additional state funding is being requested.

However, Act 247 of 2010 states that fees established by the Act are repealed effective January 1, 2013. Further, no new fees may be charged for Surface Water Withdrawal applications following that date without an act of the General Assembly setting the fee schedule.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

- (1) New R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting.
- (2) Repeal of Regulations 121-10, Water Use Reporting and Coordination, and 121-12, Interbasin Transfer of Water.

Purpose: Regulations 121-10 and 121-12 are repealed and replaced by a new regulation that addresses the statutory provisions of S.C. Code Ann. Section 49-4-10 et seq. which was substantially amended by Act 247 of 2010.

Legal Authority: S.C. Code Ann. Sections 49-4-10 et seq. (2010 Act No. 247)

Plan for Implementation: The regulation and repeals will take effect upon approval by the General Assembly and publication in the State Register. Staff will implement the new regulation in the review of all aspects of surface water withdrawal, permitting, use and reporting as defined by the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The regulation is required to implement the provisions of Sections 49-4-10 et seq. of the 1976 Code of Laws, which was substantially amended by Act 247 of 2010. The repeals are required as existing regulations 121-10 and 121-12 were developed before Sections 49-4-10 was amended by Act 247 and they are no longer consistent with existing law.

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The new regulation will standardize procedures, enabling the safe and sustainable development of surface water resources, and provide for measures to prevent or mitigate unreasonable adverse effects on surface water users or surface water uses throughout the state.

DETERMINATION OF COSTS AND BENEFITS:

The regulatory program will be fee funded. No additional cost will be incurred by the State or its political subdivisions by implementation of the regulation. No additional state funding is being requested.

The fees charged under this regulation are consistent with Section 48-2-50(H) as amended by the legislature. The fees collected must be returned to the Department for the purposes of implementing the Surface Water Permitting regulatory program including permit application review, compliance inspections, and enforcement; and for providing technical assistance and monitoring. The fee(s) shall be as follows:

(a) Existing surface water withdrawal permit-application processing fee \$1,000; (b) New surface water withdrawal permit-application processing fee \$7,500; (c) Modification of surface water withdrawal permit-application processing fee \$2,000; (d) Renewal of surface water withdrawal permit with modifications-application processing fee \$1,000; (e) Surface water withdrawal annual operating fee per permitted intake \$1,000.

However, Act 247 of 2010 states that fees established by the Act are repealed effective January 1, 2013. Further, no new fees may be charged for Surface Water Withdrawal applications following that date without an act of the General Assembly setting the fee schedule.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the regulation will promote protection of the environment and public health by helping to ensure that safe, sustainable quantities of surface water are available to current and future surface water users. Implementation of the regulation will emphasize reasonable use of the resource and develop conservation practices to provide and maintain conditions that are conducive to the long-term development and use of surface water resources.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure to implement the regulation may allow large volume surface water users to withdraw excessive quantities of water, without regard to reasonableness of need or use, effectively reducing a surface water source's capability to provide water for all competing uses. This effect would be inconsistent with the requirements of Sections 49-4-10 et seq. of the 1976 Code of Laws.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h).

The new regulation will implement the provisions of Act 247. Act 247 of 2010 that substantially amended Sections 49-4-10 et seq. of the 1976 Code of Laws, renaming these sections as the South Carolina Surface Water Withdrawal, Permitting, Use and Reporting Act. This new regulation will establish a system and rules for permitting the withdrawal and use of surface water from within the State of South Carolina and those

surface waters shared with adjacent states as specified in the Act. Regulations 121-10 and 121-12 are being repealed to comply with new language of Section 49-4-10.

Document No. 4212
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards

61-69. Classified Waters

Synopsis:

The Department has promulgated amendments of R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. The revisions that replace fecal coliform (FC) as a bacterial indicator for recreational uses in freshwaters of the State. The Department has also revised specific language regarding how the bacterial indicator species will be used for implementation activities of the Department in all waters of the State and revisions associated with corrections or clarifications for language in the current regulation. The Department has also promulgated amendments of R.61-69 for consistency with language changes in R.61-68, to correct errors that have occurred over time, and to make other changes necessary to improve the overall quality of the regulation. See Discussion below and also the Statement of Need and Reasonableness and Statement of Rationale herein.

A first Notice of Drafting was published in the State Register on April 22, 2011, and a second Notice of Drafting which clarified an issue was published in the State Register on July 22, 2011.

Section-by-Section Discussion of Amendments:

R.61-68, Water Classifications and Standards

R.61-68.B.28. – Added new definition for daily maximum.

R.61-68.B.41. – Added new definition for monthly average.

Note: State Register Document 4161, an amendment of R.61-68, became final at the close of its legislative review period on January 24, 2012, and will take effect as law by publication in the State Register on February 24, 2012. Some of the revisions of R.61-68 herein amend specific sections in Document 4161. These changes are noted where applicable in the discussion below and in the text of the regulations herein, along with a link to the State Register website where the text of Document 4161 may be accessed for viewing.

R.61-68.E.14.c(8) – The language amends this section of Document No. 4161 at <http://www.statehouse.gov/regs/4161.docx> and describes how bacterial indicators will be used in deriving permit limitations and puts text in a table format.

R.61-68.E.14.c(9) – The language amends this section of Document No. 4161 at <http://www.statehouse.gov/regs/4161.docx> and describes how bacterial indicators will be used in deriving permit limitations and puts text in a table format.

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R.61-68.E.14.c(10) – The existing text of this section was deleted and replaced language describes how bacterial indicators will be used in deriving permit limitations and puts text in a table format.

R.61-68.E.14.c(11) – This subsection item was added and the language describes how bacterial indicators will be used in deriving permit limitations and puts text in a table format.

R.61-68.E.14.c(12) – This subsection item was added and the language describes how bacterial indicators will be used in permit limitations and includes compliance language.

R.61-68.E.14.c(13) – This subsection item was added and the language describes how bacterial indicators will be used in permit limitations and includes compliance language.

R.61-68.E.14.c(14) – This subsection item was added and the language describes how Total Maximum Daily Load (TMDL) targets developed for fecal coliform will be revised for E.coli.

R.61-68.E.14.c(15) – This subsection item was added and text from previous R.61-68.E.14.c(10) was revised for consistency and renumbered.

R.61-68.E.14.d(4) – The language includes a statement that a percentage of samples collected for the State shellfish program will be used as stipulated in R.61-47, Shellfish regulation.

R.61-68.E.14.d(6) – The language includes using E.coli as the bacterial indicator in freshwaters when the assessment of Section 303(d) listing determinations are made by the Department and that the allowable percentage will be used in the determination and amends current language for consistency throughout the regulation.

R.61-68.G.4. – The language adds E.coli as the indicator species and puts text in a table format.

R.61-68.G.5. – The language amends current language for consistency throughout the regulation and put text in a table format.

R.61-68.G.6. – The language adds E.coli as the indicator species and puts text in a table format.

R.61-68.G.7. – The amendment puts text in a table format.

R.61-68.G.9. – The language adds E.coli as the indicator species and puts text in a table format.

R.61-68.G.10. – The language adds E.coli as the indicator species, adds language for consistency throughout the regulation, and puts text in a table format.

R.61-68.G.11. – The language removes percentage allowance from this section of the regulation and adds language for consistency throughout the regulation, and puts text in a table format.

R.61-68.G.12. – The language amends portions of the language contained in this section of Document No. 4161 at <http://www.statehouse.gov/regs/4161.docx>, with language that removes fecal coliform in Class SA waters, removes percentage allowance, adds and amends the language for consistency throughout the regulation, and puts text in a table format.

R.61-68.G.13. – The language amends portions of the language contained in this section of Document No. 4161 at <http://www.statehouse.gov/regs/4161.docx> with language that removes fecal coliform in Class SB waters, removes percentage allowance, adds and amends the language for consistency throughout the regulation, and puts text in a table format.

R.61.68.H.8. – The amendment puts text in a table format.

R.61-68.H.9. – The amendment puts text in a table format.

R.61-68.H.10 – The amendment puts text in a table format.

R.61-69, Classified Waters

Note: Due to numerous changes, the regulation will be replaced in its entirety. Specific revisions are listed below:

Table of Contents. – The language adds a table of contents for codification and consistency.

R.61-69.A. – The language amends this section for consistency.

R.61-69.B. – The language amends this section for consistency with current language and also language is amended in the same text in R.61-68.

R.61-69.C. – The language amends by combining two sections, C and D, and adding a caption to codify for consistency.

R.61-69.D. – The language amends by recodifying E to D and by adding a caption to codify for consistency.

R.61-69.E. – The language codifies, adds a listing, amends language for clarity, and puts text in a table format.

R.61-69.F. – The language adds a caption to codify for consistency, replaces an asterisk, and adds language to include the previous classification of Outstanding Resource Waters and Outstanding National Resource Waters

R.61-69, G. – The language codifies and puts text in a table format.

R.61-69.H. – The language makes this a section, adds a caption to codify for consistency, amends the waterbody descriptions, and puts them in a table format.

Note: For convenience, the Department has added the previous classification to ORW and ONRW waters since it is often referenced. There are multiple instances where corrections have occurred to address errors in spelling, wrong names, inaccurate county(ies) given, and inaccurate descriptions of waterbodies. The Department has added several missing portions of waterbodies and corrected waters that were listed incorrectly. We have also made changes to have consistent language throughout the regulation. At no time have any waterbodies or sections of waterbodies had the current classification altered.

The Department has provided several examples of the types of edits made, rather than a full relisting of the entire regulation. Please refer to the text of the amendments for each specific change.

Examples:

Abner Creek – Revised to include previous classification for ORW and amended language for consistency throughout the regulation.

Adams Creek – Revised to include previous classification for ORW.

Allan Creek – Amended for consistency throughout the regulation.

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Atlantic Intracoastal Waterway – Corrected name, moved into alphabetic order, and amended for consistency throughout the regulation.

Atlantic Intracoastal Waterway – Corrected name, moved into alphabetic order, added previous classification for ORW, and amended for clarity and consistency throughout the regulation.

Atlantic Intracoastal Waterway – Added missing section of the waterway.

Instructions: Amend R.61-68, Water Classifications and Standards, pursuant to each individual instruction in the Text below. Replace R.61-69 in its entirety.

Text:

61-68. Water Classifications and Standards.

Amend R.61-68.B., Definitions, by adding the following two definitions as B.29 and B.42 and renumber the remaining definitions in alpha-numeric order.

29. Daily maximum (for bacterial indicators only) means the highest arithmetic average of bacterial samples collected [for each of the bacterial indicator species (i.e., E.coli, enterococci, and/or fecal coliform)] in any 24 hour period during a calendar month.

42. Monthly average (for bacterial indicators only) means the calendar month (i.e., 28 days, 29 days, 30 days, or 31 days) geometric mean of all bacterial samples collected [for each of the bacterial indicator species (i.e., E.coli, enterococci, and/or fecal coliform)] during that calendar month.

Amend and replace subsection item R.61-68.E.14.c(8) at <http://www.statehouse.gov/regs/4161.docx> in its entirety with table format to read.

(8) In order to protect recreational uses in freshwaters (including FW, and all types of Trout Waters) of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (E. coli)	126 MPN per 100 ml
ii. Daily Maximum (E. coli)	349 MPN per 100 ml (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(8)i. and c(8)ii. above) one or more bacterial limitations for fecal coliform, E. coli and/or enterococci to protect both uses in the specific receiving water body and also to protect any upstream and/or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section below shall apply independently regardless of the water classification at the point of discharge.

vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.
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Amend and replace subsection item R.61-68.E.14.c(9) at <http://www.statehouse.gov/regs/4161.docx> in its entirety with table format to read.

(9) In order to protect recreational uses in Class SA saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 ml
ii. Daily Maximum (enterococci)	104 MPN per 100 ml (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(1)ii. below) may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(9)i. and c(9)ii. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

Delete existing text R.61-68.E.14.c(10) and replace with new subsection item R.61-68.E.14.c(10) with table format to read.

(10) In order to protect recreational uses in Class SB saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

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i. Monthly Average (enterococci)	35 MPN per 100 ml
ii. Daily Maximum (enterococci)	501 MPN per 100 ml (see c(12) below)
iii. Class SA recreational daily maximum and/or shellfish protection	Class SA daily maximum (see c(9)ii. above) recreational use requirements for enterococci and/or Class SFH requirements (see c(11)i. and c(11)ii. below) for fecal coliform may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification).
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(10)i. and c(10)ii. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

Add new subsection item R.61-68.E.14.c(11) with table format to read.

(11) In order to protect for the consumption of shellfish, for any discharge either directly or indirectly in Class SFH waters or in Class SA, Class SB, ORW or ONRW waters with existing and/or approved shellfish harvesting uses as described in Section C.7, including protection of shellfish upstream and/or downstream uses in all waters regardless of their classification, NPDES permit effluent limitations shall be specified as indicated below:

i. For protection of shellfish uses-Monthly Average (Fecal coliform)	14 MPN per 100 ml
ii. For protection of shellfish uses- Daily Maximum (Fecal coliform)	43 MPN per 100 ml (see c(12) below)
iii. For protection of recreational uses - Monthly Average (enterococci)	35 MPN per 100 ml
iv. For protection of recreational uses-Daily Maximum (enterococci)	104 MPN per 100 ml (see c(12) below)
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(11)i. through c(11)iv. above) one

	<p>or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above shall apply independently regardless of the water classification at the point of discharge.</p>
<p>vi. Municipal separate storm sewer systems</p>	<p>For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.</p>

Add new subsection item R.61-68.E.14.c(12) to read.

(12) Provided the permittee verifies in writing to the Department that conditions (12)i. through (12)iv. below have been met, the permittee would be in compliance with the daily maximum bacterial requirement. However, nothing in this regulation precludes the Department from taking action, depending on the individual circumstances to protect public health and/or the environment.

i. If the facility exceeds the permitted Daily Maximum bacterial limitation listed above (for E.coli, enterococci or fecal coliform) but two (2) additional samples collected within 48 hours of the original sample result do NOT exceed the required Daily Maximum limit; and

(A) For all waters not involving shellfish protection (regardless of the specific water classification), the individual bacterial sample result has not exceeded 800 MPN per 100ml, and for those waters involving shellfish protection, the individual bacterial sample result for fecal coliform has not exceeded 200 MPN per 100ml; and

(B) There is neither an existing Consent Order nor Administrative Order, associated with the facilities operation of their disinfection system; and

(C) Either:

1. For facilities that routinely collect ten (10) bacterial samples per month (or 120 or more samples per calendar year), there were no more than four (4) total bacteria samples exceeding the daily maximum limit in the previous twelve (12 months); or,

2. For facilities other than those listed in (C) 1. above (e.g. smaller facilities or those that do not routinely collect 10 samples or more per month), there was no more than one (1) bacterial sample exceeding the daily maximum limit in the previous twelve (12 months); and

ii. The permittee verifies that all disinfection equipment was fully functional, and the solids handling system was fully functional during that monitoring period; and

iii. Any additional bacterial sampling collected during the monthly monitoring period when the daily maximum exceedance occurred was reasonably distributed in time while maintaining representative sampling; and

iv. The permittee must provide sufficient laboratory data sensitivity (e.g., dilutions) to accurately represent the effluent bacterial concentration to utilize this procedure. Effluent bacterial results reported as greater than (>) do not meet this criteria, since the actual results are unknown.

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Add new subsection item as R.61-68.E.14.c(13) to read.

(13) For waters of the State, where a permit has been issued pursuant to R.61-9.122.26 and R.61-9.122.34, the Department shall consider the permittee in compliance with the established bacterial (i.e., E.coli, enterococci, fecal coliform) criteria for recreational uses of the waterbody if the permittee is in compliance with their permit.

Add new subsection item as R.61-68.E.14.c(14) to read.

(14) TMDL(s), WLA(s), and LA(s) included in currently approved freshwater fecal coliform TMDL documents shall be converted to E. coli utilizing a translator equation established by the Department and shall be based upon existing targets included in approved freshwater fecal coliform bacteria TMDL documents.

Amend existing text of subsection item R.61-68.E.14.c(10), renumber as R.61-68.E.14.c(15), and place in alpha-numeric order to read.

(15) All effluent permit limitations which include WET shall require that the WET tests be conducted using Ceriodaphnia dubia (C. dubia), except as stated. If the salinity of a discharge to a saline waterbody is high enough to be toxic to C. dubia, Mysidopsis bahia (M. bahia) shall be used. If the hardness of a waterbody is low enough to be toxic to C. dubia, then Daphnia ambigua (D. ambigua) may be used. Low salinity discharges to saltwater may be tested using either C.dubia or M. bahia with salinity adjustment, as determined by the Department. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR 136.4 and 5., as approved by EPA. EPA test methods (40 CFR 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR 136, and is approved by EPA.

Amend R.61-68.E.14.d(4) to read.

The assessment of fecal coliform for purposes of evaluating the shellfish harvesting use for South Carolina's Shellfish Management Units is conducted in accordance with provisions of S.C. Regulation 61-47, Shellfish. R.61-47 also includes specific language describing the use of the allowable 10% exceedence value in the shellfish program.

Amend R.61-68.E.14.d(6) to read.

(6) The assessment of enterococci and E.coli for purposes of Section 303(d) listing determinations for recreational uses shall be based on the geometric mean with an allowable 10% exceedence, where sufficient data exists to calculate a geometric mean. In the absence of sufficient data to calculate a geometric mean, the assessment shall be based on the single sample maximum with an allowable 10% exceedence.

Amend R.61-68.G.4. and reformat to a table to read.

4. Outstanding National Resource Waters (ONRW) are freshwaters or saltwaters which constitute an outstanding national recreational or ecological resource.

Quality Standards for Outstanding National Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform enterococci, E.coli, pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ONRW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ONRW, including consideration of natural conditions.

Amend R.61-68.G.5.and reformat to a table to read.

5. In order to maintain the existing quality of Class ONRW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	None allowed.
c. Dumping or disposal of garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ONRW waters.	Allowed if there shall be no measurable impact on the downstream ONRW consistent with Antidegradation Rules.

Amend R.61-68.G.6. and reformat to a table to read.

6. Outstanding Resource Waters (ORW) are freshwaters or saltwaters which constitute an outstanding recreational or ecological resource or those freshwaters suitable as a source for drinking water supply purposes with treatment levels specified by the Department:

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Quality Standards for Outstanding Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform enterococci, E.coli, pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ORW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ORW, including consideration of natural conditions.

Retain R.61-68.G.7. and reformat to a table to read.

7. In order to maintain the existing quality of Class ORW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.
c. Dumping or disposal of garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ORW waters.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.

Amend R.61-68.G.9 and reformat to a table to read.

9. The standards below protect the uses of Natural, and Put, Grow, and Take trout waters.

Quality Standards for Trout Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious	None alone or in combination with other substances or wastes in sufficient amounts to be injurious to reproducing

substances, colored or other wastes except those given in a. above.	trout populations in natural waters or stocked populations in put, grow, and take waters or in any manner adversely affecting the taste, color, odor, or sanitary condition thereof or impairing the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.
e. Dissolved oxygen.	Not less than 6 mg/l.
f. E.Coli	Not to exceed a geometric mean of 126/100 ml based on at least four samples collected from a given sampling site over a 30 day period, nor shall a single sample maximum exceed 349/100 ml.
g. pH.	Between 6.0 and 8.0.
h. Temperature.	Not to vary from levels existing under natural conditions, unless determined that some other temperature shall protect the classified uses.
i. Turbidity.	Not to exceed 10 Nephelometric Turbidity Units (NTUs) or 10% above natural conditions, provided uses are maintained.

Amend R.61-68.G.10 and reformat to a table to read.

10. Freshwaters are freshwaters suitable for primary and secondary contact recreation and as a source of drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

Quality Standards for Freshwaters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.

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d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4.0 mg/l.
f. E.Coli	Not to exceed a geometric mean of 126/100 ml based on at least four samples collected from a given sampling site over a 30 day period, nor shall a single sample maximum exceed 349/100 ml.
g. pH.	Between 6.0 and 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity. Except for Lakes.	Not to exceed 50 NTUs provided existing uses are maintained.
Lakes only.	Not to exceed 25 NTUs provided existing uses are maintained.

Amend R.61-68.G.11. and reformat to a table to read.

11. Shellfish Harvesting Waters (SFH) are tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and Class SB. Suitable for primary and secondary contact recreation, crabbing and fishing. Also suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora.

Quality Standards for Shellfish Harvesting Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to adversely affect the taste, color, odor, or sanitary condition of clams, mussels, or oysters for human consumption; or to impair the waters for any best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.

aquatic farms, and concentrated aquatic animal production facilities.	
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4 mg/l.
f. Fecal coliform.	Not to exceed an MPN fecal coliform geometric mean of 14/100 ml; nor shall the samples exceed an MPN of 43/100 ml.
g. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 104/100 ml. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml.
h. pH.	Shall not vary more than 3/10 of a pH unit above or below that of effluent-free waters in the same geological area having a similar total alkalinity and temperature, but not lower than 6.5 or above 8.5.
i. Temperature.	As prescribed in E.12. of this regulation.
j. Turbidity.	Not to exceed 25 (NTUs) provided existing uses are maintained.

k. The Department may designate prohibited areas where shellfish harvesting for market purposes or human consumption shall not be allowed, consistent with the Antidegradation Rule, Section D.1.a. of this regulation.

Amend R.61-68.G.12 in Document 4161 at <http://www.statehouse.gov/reg/4161.docx> to read.

12. Class SA are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SA Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with Antidegradation Rules.

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e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4.0 mg/l.
f. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 104/100 ml. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml.
g. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

j. The Department shall protect existing shellfish harvesting uses found in Class SA waters consistent with the Antidegradation Rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

Amend R.61-68.G.13 in Document 4161 at <http://www.statehouse.gov/regs/4161.docx> to read.

13. Class SB are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SB Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation Rules.
e. Dissolved oxygen.	Not less than 4.0 mg/l.
f. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 501/100 ml. Additionally, for beach monitoring

	and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 501/100 ml.
g. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

j. The Department shall protect existing shellfish harvesting uses found in Class SB waters consistent with the Antidegradation Rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

Retain R.61-68.H.8. and reformat to a table to read.

8. The standards below protect these ground waters:

Quality Standards for Class GA Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None allowed.

Retain R.61-68.H.9. and reformat to a table to read.

9. Class GB. All ground waters of the State, unless classified otherwise, which meet the definition of underground sources of drinking water (USDW) as defined in Section B.

Quality Standards for Class GB Ground Waters	
ITEMS	STANDARDS
a. Inorganic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
b. Organic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
c. Man-made radionuclides, priority pollutant volatile organic compounds, herbicides, polychlorinated biphenyls, and other synthetic organic compounds not specified above, treated wastes, thermal wastes, colored wastes or other wastes of constituents thereof.	Not to exceed concentrations or amounts such as to interfere with the use actual or intended, as determined by the Department.

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Retain R.61-68.H.10. and reformat to a table to read.

10. Class GC are those ground waters not considered potential sources of drinking water and of limited beneficial use i.e., ground waters that exceed a concentration of 10,000 mg/l total dissolved solids or are otherwise contaminated beyond levels that allow cleanup using methods reasonably employed in public water system treatment. These ground waters also must not migrate to Class GA or Class GB ground waters or have a discharge to surface water that could cause degradation.

Quality Standards for Class GC Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None which interfere with any existing use of an underground source of drinking water.

Replace R.61-69 in its entirety to read:

61-69. Classified Waters.

(Statutory Authority: 1976 Code Section 48-1-10 et seq.)

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A. Criteria for Classes.

All adopted classifications must conform to the standards and rules contained within R.61-68, Water Classifications and Standards or site-specific standards listed within this regulation. Unless noted, site-specific standards apply only to the water named and not to tributary or downstream waters.

B. Tributaries to Classified Waters.

Where surface waters are not classified by name (unlisted) in this regulation, the use classification and numeric standards of the class of the stream to which they are tributary apply, disregarding any site-specific numeric standards for the named waterbody. In tidal areas, where an unlisted tributary may affect or flows between two differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric standards of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric standards for those waterbodies.

C. Status of Classifications and Reviews.

The classification for all bodies of water contained herein supersedes all previous classifications. The classifications listed within this regulation shall be open to review to ensure that the classification use is still valid and justified.

D. No Discharge Zone Designations.

The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. The designation is listed in this regulation as an NDZ following the waterbody name.

E. Class Abbreviations.

Class Abbreviations Used in R.61-69	
Outstanding National Resource Waters	ONRW (previous class)
Outstanding Resource Waters	ORW (previous class)
Shellfish Harvesting Waters	SFH
Trout - Natural	TN
Trout – Put, Grow, and Take	TPGT
Trout – Put and Take	TPT
Freshwaters	FW
Class SA (saltwaters)	SA
Class SB (saltwaters)	SB

F. Notations for Site-Specific Standards and Previous Class.

An "sp" by the Class means the Department has established site-specific standards for certain parameters for that waterbody. The site-specific standards are listed in parentheses after the waterbody description. For convenience, on both ONRW and ORW waterbodies, the previous classification for the specific waterbody is given in parenthesis after the Class listing.

G. County Abbreviations.

County	Abbreviation
Abbeville	Abvl
Aiken	Aikn
Allendale	Aldl
Anderson	Andn
Bamberg	Bmbg
Barnwell	Brwl
Beaufort	Bftr
Berkeley	Bkly
Calhoun	Clhn
Charleston	Chtn
Cherokee	Chke
Chester	Cstr
Chesterfield	Cfld
Clarendon	Clrn
Colleton	Cltn
Darlington	Drln
Dillon	Diln
Dorchester	Dchr
Edgefield	Efld
Fairfield	Ffld
Florence	Flrn
Georgetown	Gtwn

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Greenville	Gnvl
Greenwood	Gnwd
Hampton	Hmpt
Horry	Hory
Jasper	Jspr
Kershaw	Krsh
Lancaster	Lctr
Laurens	Lrns
Lee	Lee
Lexington	Lxtn
McCormick	Mcmk
Marion	Marn
Marlboro	Mrlb
Newberry	Nbry
Oconee	Ocne
Orangeburg	Orbg
Pickens	Pkns
Richland	Rlnd
Saluda	Slda
Spartanburg	Spbg
Sumter	Smtr
Union	Unin
Williamsburg	Wmbg
York	York

H. List of Waterbody Names, County(ies), Class, and Descriptions.

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Abner Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Adams Creek	Chtn	ORW(SFH)	The entire creek tributary to Bohicket Creek
Allan Creek (also called Allen Creek)	Spbg	FW	The entire creek tributary to Enoree River
Alligator Creek	Cltn	ORW(SFH)	The entire creek tributary to South Edisto River
Allison Creek	York	FW	The entire creek tributary to Lake Wylie
Alston Creek	Chtn	SFH	The entire creek tributary to Wando River
Anderson Reservoir	Andn	FW	The entire reservoir on Beaverdam Creek
Archers Creek	Bfirt	SA	That portion of the creek from Port Royal to U.S. Government Parris Island Bridge
Archers Creek	Bfirt	SFH	That portion of the creek from the U.S. Government Parris Island Bridge to Broad River
Ashepoo River	Cltn	FW	That portion of the river to saltwater intrusion
Ashepoo River	Cltn	SFH	That portion of the river from saltwater intrusion to the Atlantic Ocean
Ashley River	Chtn, Dchr	FW	That portion of the river from its beginning at Hurricane Branch to Bacon Bridge

Ashley River	Chtn, Dchr	SA	That portion of the river from Bacon Bridge to Church Creek
Ashley River	Chtn	SAsp	That portion of the river from Church Creek to Orangegroove Creek (D.O. not less than 4 mg/l)
Ashley River	Chtn	SA	That portion of the river from Orangegroove Creek to Charleston Harbor
Ashpole Swamp	Dill, Marn	FWsp	The entire swamp tributary to Lumbar River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Hory	SA	That portion of the waterway from the North Carolina line to S.C. Hwy 9
Atlantic Intracoastal Waterway	Hory	FW	That portion of the waterway from S.C. Hwy 9 to its confluence with Waccamaw River
Atlantic Intracoastal Waterway	Gtwn, Hory	FWsp	That portion of the waterway from its confluence with Waccamaw River to Thoroughfare Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Gtwn	SAsp	That portion of the waterway from Thoroughfare Creek to the headwaters of Winyah Bay (D.O. not less than 4 mg/l)
Atlantic Intracoastal Waterway	Gtwn	SA	That portion of the waterway from the headwaters of Winyah Bay to South Santee River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from South Santee River to the Ben Sawyer Bridge
Atlantic Intracoastal Waterway	Chtn	SB	That portion of the waterway from the Ben Sawyer Bridge through Charleston Harbor to the confluence of Elliott Cut and Stono River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the confluence of Elliott Cut and Stono River to the S.C.L. Railroad Bridge over Stono River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the S.C.L. Railroad Bridge over Stono River to the confluence of Wadmalaw Sound and Stono River
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from the confluence of Wadmalaw Sound and Stono River to Gibson Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from Gibson Creek along Wadmalaw River and Dawho River to North Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from North Creek through Watts Cut to South Edisto River
Atlantic Intracoastal Waterway	Chtn, Cltn	ORW(SFH)	That portion of the waterway from South Edisto River at Watts Cut to South Edisto River at Fenwick Cut

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Atlantic Intracoastal Waterway	Cltn	SFH	That portion of the waterway from South Edisto River at Fenwick Cut along the Ashepoo River to the confluence with St. Helena Sound
Atlantic Intracoastal Waterway	Bfrit, Cltn	SFH	That portion of the waterway from the confluence with St. Helena Sound through the Sound to the confluence with Coosaw River
Atlantic Intracoastal Waterway	Bfrit	SFH	That portion of the waterway from the confluence with Coosaw River along Brickyard Creek to the confluence with Albergottie Creek
Atlantic Intracoastal Waterway	Bfrit	SA	That portion of the waterway from the confluence of Brickyard and Albergottie Creeks to become the Beaufort River to a boundary drawn along Beaufort River between the upper banks of Battery Creek and Cat Island Creek
Atlantic Intracoastal Waterway	Bfrit	SFH	That portion of the waterway from a boundary drawn along Beaufort River between the upper bank of Battery Creek and Cat Island through Port Royal Sound to the confluence with Skull Creek
Atlantic Intracoastal Waterway	Bfrit	SFH	That portion of the waterway from the confluence with Skull Creek through Calibogue Sound, along Cooper River and Ramshorn Creek, to the confluence with New River
Atlantic Intracoastal Waterway	Jspr	SA	That portion of the waterway from the confluence of Ramshorn Creek with New River to Watts Cut and Wright River
Atlantic Intracoastal Waterway	Jspr	SA	That portion of the waterway from Wright River to Mud River to Savannah River
Back River	Bkly	FW	The entire river tributary to Cooper River
Bad Creek	Ocne	ORW(FW)	That portion of the creek from the North Carolina line to Chattooga River
Bad Creek Reservoir	Ocne	FW	The entire reservoir
Bailey Creek	Andn	FW	The entire creek tributary to Rocky Creek
Bailey Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Baker Creek	Mcmk	FW	The entire creek tributary to Lake Strom Thurmond
Ballast Creek	Bfrit	SA	That portion of the creek from the tidal node to Beaufort River
Ballast Creek	Bfrit	SFH	That portion of the creek from the tidal node to Broad River

Bartons Branch (also called Summerhouse Branch and Johnsons Swamp)	Gtwn, Wmbg	FWsp	The entire branch tributary to Black River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Bass Creek	Bfirt	ORW(SFH)	The entire creek tributary to May River
Bass Hole Bay	Gtwn	ORW(SFH)	The entire bay between Old Man Creek and Debidue Creek
Battery Creek	Bfirt	SA	That portion of the creek from the two unnamed headwater creeks down to a point 1000 feet below their confluence at Rabbit Island
Battery Creek	Bfirt	SFH	That portion of the creek from a point 1000 feet below the headwater creeks confluence at Rabbit Island to the confluence with Beaufort River
Battle Creek	Ocne	TPGT	The entire creek tributary to Tugaloo River
Bear Creek	Andn	FW	The entire creek tributary to Rocky Creek
Bear Creek	Lctr	FW	The entire creek tributary to Cane Creek
Bear Creek	Newb, Lexi	FW	The entire creek tributary to Lake Murray
Bear Creek	Ocne	TN	That portion of the creek from State line to Lake Jocassee
Bear Swamp	Diln	FWsp	The entire swamp tributary to Ashpole Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Bearcamp Creek	Ocne	TN	That portion of the creek from State line to Lake Jocassee
Beards Fork Creek	Lrns	FW	The entire creek tributary to Duncan Creek
Beaufort River	Bfirt	SA	That portion of the river from the confluence of Albergottie Creek and Brickyard Creek to a boundary drawn between the upper bank of Battery Creek and Cat Island Creek
Beaufort River	Bfirt	SFH	That portion of the river from a boundary drawn between the upper bank of Battery Creek and Cat Island Creek to the confluence with Port Royal Sound
Beaver Creek	Andn	FW	The entire creek tributary to Rocky River
Beaver Creek	Krsh	FW	The entire creek tributary to Wateree Lake
Beaverdam Creek	Andn	FW	The entire creek tributary to Rocky River
Beaverdam Creek	Drln, Cfld	FW	The entire creek tributary to Black Creek
Beaverdam Creek	Efld	FW	The entire creek tributary to Turkey Creek
Beaverdam Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Secondary Road 563
Beaverdam Creek	Gnvl	FW	That portion of the creek from Secondary Road 563 to Enoree River

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Beaverdam Creek	Lrns	FW	The entire creek tributary to Enoree River
Beaverdam Creek	Mrlb	FW	The entire creek tributary to Little Pee Dee River
Beaverdam Creek	York	FW	The entire creek tributary to Crowder's Creek
Beaverdam Creek (also called Irene Creek)	Chke	FW	The entire creek tributary to Thicketty Creek
Beaverdam Creek (also called Big Beaverdam Creek)	Andn	FW	The entire creek tributary to Rocky River
Bees Creek	Jspr	SB	The entire creek tributary to Coosawhatchie River
Bell Swamp Creek	Diln	FW	The entire creek tributary to Little Pee Dee River
Beresford Creek	Bkly	SFH	That portion of the creek from Wando River to a point 4 miles from Wando River
Beresford Creek	Bkly	SA	That portion of the creek from a point 4 miles from Wando River to Clouter Creek
Betsy Creek	Andn	FW	The entire creek tributary to Beaver Creek
Big Bay Creek	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Big Boggy Swamp	Drln	FW	The entire swamp tributary to McIntosh Mill Stream
Big Creek	Andn	FW	The entire creek tributary to Saluda River
Big Dutchmans Creek	Ffld	FW	The entire creek tributary to Lake Wateree
Big Dutchmans Creek	York	FW	The entire creek tributary to Catawba River
Big Generostee Creek	Andn	FW	The entire creek tributary to Savannah River
Big Lake	Rlnd	ORW(FW)	The entire lake within the boundaries of Congaree National Park
Big Pine Tree Creek	Kshw	FW	The entire creek tributary to Wateree River
Big Rock Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
Big Swamp	Flrn	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Black Creek	Cfld, Drln, Flrn	FW	That portion of the creek from its headwaters to S.C. 145
Black Creek	Cfld, Drln	FWsp	That portion of the creek from S.C. 145 to U. S. 52 (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Black Creek	Cfld, Drln Flrn	FW	That portion of the creek from U.S. 52 to Great Pee Dee River

Black Creek	Lee, Wmbg	FWsp	That portion of the creek from its headwaters to U.S. 701 (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Black River	Gtwn,	SA	That portion of the river from U.S. 701 to Winyah Bay
Blue Hill Creek	Abvl	FW	The entire creek tributary to Norris Creek
Bly Creek	Gtwn	ORW(SFH)	The entire creek tributary to Old Man Creek
Bob's Garden Creek	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
Bohicket Creek	Chtn	ORW(SFH)	The entire creek tributary from North Edisto River to Church Creek
Boone Hall Creek	Chtn	SFH	The entire creek tributary to Horlbeck Creek
Boor Creek	Gtwn	ORW(SFH)	The entire creek between Jones Creek and Wood Creek
Brasstown Creek	Ocne	TPGT	That portion of the creek from headwaters to Tugaloo River
Bread and Butter Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Brickyard Creek	Chtn	SB	The entire creek tributary to Ashley River
Brickyard Creek	Bfirt	SFH	The entire creek tributary to Beaufort River
Broad Creek (NDZ)	Bfirt	SFH	The entire creek tributary to Calibogue Sound
Broad River	Brft, Jspr	SFH	The entire river tributary to Port Royal Sound
Broad River (Main Stem)	Chke, Cstr, Ffld, Nbry, Rlnd, Unin, York	FW	The entire river tributary to Congaree River
Broadmouth Creek	Abvl, Andn	FW	The entire creek tributary to Saluda River
Broadway Creek	Andn	FW	The entire creek tributary to Rocky Creek
Brown Swamp	Hory, Marn	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Brunson Swamp	Hory	FW	The entire swamp tributary to Little Pee Dee River
Brushy Creek	Gnvl	FW	That portion of the creek from headwaters northeast of Greenville to Enoree River
Brushy Creek	Gnvl	FW	The entire creek tributary to Reedy River
Brushy Creek	Pkns	FW	The entire creek tributary to Saluda River
Buck Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Buck Creek	Spbg	FW	The entire creek tributary to Pacolet River
Buck Hollow	Gnvl	TN	The entire tributary to Middle Saluda River
Buck Swamp	Diln, Marn, Mrlb	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)

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Buckhorn Creek	Gnvl	ORW(FW)	That portion of the creek from headwaters, including Buckhorn Lake, to North Buckhorn Road
Buckhorn Creek	Gnvl	FW	That portion of the creek from North Buckhorn Road to Enoree River
Buffalo Creek	Unin	FW	The entire creek tributary to Fairforest Creek
Buffalo Creek	Chke	FW	The entire creek tributary to Broad River
Bull Branch	Mrlb	FW	The entire branch tributary to Hagins Prong
Bull Creek	Bfirt	ORW(SFH)	The entire creek tributary to Cooper River and May River
Bull Creek	Hory	FW	The entire creek tributary to Pee Dee River to Waccamaw River
Bull Run Branch	Cstr	FW	The entire branch within Chester County
Bull Swamp	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Bull Swamp Creek	Lxtn, Orbg	FW	The entire creek tributary to North Fork Edisto River
Bullock Creek	York	FW	The entire creek tributary to Broad River
Bull's Bay	Chtn	ORW(SFH)	The entire bay
Bulls Creek	Chtn	SAsp	The entire creek tributary to Ashley River (D.O. not less than 4 mg/l)
Bullyard Sound	Chtn	ORW(SFH)	The entire sound
Burdine Creek	Pkns	FW	The entire creek tributary to Georges Creek
Burgess Creek	Ocne	TN	That portion of the creek from its headwaters to Mill Creek
Burnetts Creek	Slda	FW	The entire creek tributary to Little Saluda River
Burnt Gin Lake	Smtr	FW	The entire lake located on the western reaches of Cane Savannah Creek
Bush Creek (or River)	Lrns, Nbry	FW	The entire creek tributary to Lake Murray
Byrum's Creek (Branch from Appleton Mill to Whitner Creek)	Andn	FW	The entire creek tributary to Whitner Creek
Calhoun Creek	Abvl	FW	The entire creek tributary to Little River
Calibogue Sound	Bfirt	SFH	The entire sound tributary to the Atlantic Ocean
Callawassie Creek	Bfirt	ORW(SFH)	The entire creek tributary to Colleton River
Camp Branch	Ocne	FW	The entire branch tributary to Opossum Creek
Cane Creek	Lctr	FW	The entire creek tributary to Catawba River
Cannons Creek	Nbry	FW	The entire creek tributary to Broad River
Canoe Creek	Andn	FW	The entire creek tributary to Little Generostee Creek

Cantrell Creek	Ocne	TN	That portion of the creek from its headwaters to Lake Cheohee
Cape Romain Harbor	Chtn	ORW(SFH)	The entire harbor
Caper's Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Captain Bill's Creek	Jspr	FW	The entire creek tributary to Bee's Creek
Carrick Creek	Pkns	ORW(FW)	That portion of the river from its headwaters to Pinnacle Lake
Carrick Creek	Pkns	FW	That portion of the river from the dam at Pinnacle Lake to the end of Table Rock State Park land
Carter Creek	Flrn	FW	The entire creek tributary to Lynches River
Cat Island Creek	Bfirt	SFH	The entire creek from Beaufort River to Chowan Creek
Catawba-Wateree River	Cstr, Ffld, Kshw, Lctr, Rlnd, Smtr, York	FW	The entire river tributary to Santee River
Catfish Creek	Marn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Causeway Branch	Smtr	FW	The entire branch tributary to Second Mill Pond
Caw Caw Swamp	Aldl, Hmpt	FWsp	The entire swamp tributary to Whippy Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Cedar Creek	Cfld, Drln	FW	The entire creek tributary to Pee Dee River
Cedar Creek	Ffld, Rlnd	FW	The entire creek tributary to Broad River
Cedar Creek	Rlnd	FW	That portion of the creek outside the boundary of Congaree National Park
Cedar Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of Congaree National Park to Wise Lake
Cedar Creek	Rlnd	ONRW(FW)	That portion of the creek beginning at Wise Lake to confluence with Congaree River
Cedar Creek Reservoir	Cstr, Ffld, Lntr	FW	The entire lake on Catawba River
Cemetery Creek (also called Silver Brook Creek)	Andn	FW	The entire creek tributary to Rocky River
Charleston Harbor	Chtn	SB	From Battery to the Atlantic Ocean
Charlies Creek	Abvl	FW	The entire creek tributary to Rocky River
Chattooga River	Ocne	FW	That portion of the river from its confluence with Opossum Creek to Tugaloo River
Chattooga River	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Opossum Creek

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Chauga Creek (also called Jerry Creek)	Ocne	FW	The entire creek tributary to Chauga River
Chauga River	Ocne	ORW(FW)	That portion of the river from its headwaters to 1 mile above U.S. 76
Chauga River	Ocne	FW	That portion of the river from 1 mile above U.S. 76 to Tugaloo River
Chechessee Creek	Bftr	ORW(SFH)	The entire creek tributary to Colleton River and Chechessee River
Chechessee River	Bftr	SFH	The entire river tributary to Port Royal Sound
Chenhaw River	Cltn	SFH	The entire river tributary to Combahee River
Cheohee Creek	Ocne	ORW(FW)	That portion of the creek from headwaters to end of U.S. Forest Service Land
Cheohee Creek	Ocne	FW	That portion of the creek from U.S. Forest Service Land to confluence with Tamassee Creek
Cherokee Creek	Andn	FW	The entire creek tributary to Hencoop Creek
Cherokee Creek	Chke	FW	The entire creek tributary to Broad River
Chickasaw Creek	Abvl	FW	The entire creek tributary to Little River
Chinners Swamp	Hory	FWsp	The entire swamp tributary to Brunson Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Choestoea Creek	Ocne	FW	The entire creek tributary to Hartwell Lake
Chowan Creek	Bftr	SFH	The entire creek tributary to Beaufort River
Church Creek	Chtn	ORW(SFH)	That portion of the creek from Wadmalaw Sound to Ravens Point
Church Creek	Chtn	SFH	That portion of the creek from Ravens Point to Hoopstick Island
Clambank Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Clark Creek	Flrn, Wmbg	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Clark Creek	York	FW	The entire creek tributary to Bullocks Creek
Clark(s) Hill Reservoir (NDZ) (also called J. Strom Thurmond Lake)	Abvl, Mcmk	FW	The entire reservoir on Savannah River
Clark Sound	Chtn	SB	The entire sound tributary to Charleston Harbor
Clouds Creek	Slda	FW	The entire creek tributary to Lake Murray
Coastal Waters	Bftr, Chtn, Gtwn, Hory, Jspr	SFH	From the land to the 3 mile limit of State jurisdiction in the Atlantic Ocean

Coastal Waters		SFH	Coastal waters offshore from the land to the 3 mile limit of State jurisdiction in the Atlantic Ocean
Coastal Waters		SFH	From the land to the 3 mile limit of State jurisdiction in the Atlantic Ocean
Coldspring Branch	Gnvl	ORW(FW)	The entire branch tributary to Middle Saluda River
Colleton River	Bfirt	ORW(SFH)	The entire river tributary to Chechessee River
Combahee River	Bfirt, Cltn, Hmpt	FW	That portion of the river from confluence of Salkehatchie River with Little Salkehatchie River to saltwater intrusion at U.S. Hwy 17
CombaheeRiver	Bfirt, Cltn	SFH	That portion of the river from saltwater intrusion at U.S. Hwy 17 to St. Helena Sound
Coneross Creek	Ocne	FW	That portion of the creek through Negro Fork Creek
Congaree Creek	Lxtn	FW	The entire creek tributary to Congaree River
Congaree River	Clhn, Lxtn, Rlnd	FW	The entire river tributary to Santee River
Contrary Swamp	Diln	FW	The entire swamp from its headwaters to the North Carolina line near South of the Border
Cooks Creek	Gtwn	ORW(SFH)	The entire creek between Old Man Creek and Debidue Creek
Cooper River	Bkly, Chtn	FW	That portion of the river from the confluence of West Branch Cooper River and East Branch Cooper River (the Tee) to a point approximately 30 miles above the junction of Ashley and Cooper Rivers
Cooper River	Bkly, Chtn	SB	That portion of the river below a point approximately 30 miles above the junction of Ashley and Cooper Rivers to the junction of Ashley and Cooper Rivers
Cooper River	Bfirt	ORW(SFH)	That portion of the river from New River to Ramshorn Creek
Cooper River	Bfirt	SFH	That portion of the river from Ramshorn Creek to Calibogue Sound
Coosaw River	Bfirt	SFH	The entire river tributary to St. Helena Sound
Coosawhatchie River	Aldl, Hmpt, Jspr	FW	That portion of the river from its headwaters to saltwater intrusion
Coosawhatchie River	Aldl, Hmpt, Jspr	SFH	That portion of the river from saltwater intrusion to Broad River
Copahee Sound	Chtn	ORW(SFH)	The entire sound
Corbin Creek	Ocne	ORW(TPGT)	The entire creek tributary to Devils Fork Creek
Corner Creek	Abvl	FW	The entire creek tributary to Little River
Coronaca Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
Cowpen Swamp	Diln	FWsp	The entire swamp tributary to Bear Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Cowpens Creek	Chke	FW	The entire creek tributary to Little Thicketty Creek

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Cox Branch	Bmbg	FW	The entire branch tributary to Lemon Creek
Cox Creek	Andn	FW	The entire creek tributary to Rocky Creek
Cox Camp Creek	Gnvl	TN	The entire creek tributary to Middle Saluda Creek
Crabhaul Creek	Gtwn	ORW(SFH)	The entire creek tributary to Old Man Creek
Crane Creek	Pkns	TN	The entire creek tributary to Lake Keowee
Crane Creek	Rlnd	FW	The entire creek tributary to Broad River
Crims Creek	Nbry	FW	The entire creek tributary to Broad River
Crooked Creek	Mrlb	FW	The entire creek tributary to Pee Dee River
Crowders Creek	York	FW	The entire creek tributary to Lake Wylie
Cutoff Creek	Gtwn	SFH	The entire creek between Oyster Bay and Town Creek
Cypress Branch	Flrn, Smtr	FWsp	The entire branch tributary to Douglas Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Cypress Swamp	Dchr	FW	The entire swamp tributary to Ashley River
Dark Creek	Ocne	ORW(FW)	The entire creek tributary to East Fork Chattooga River
Darrell Creek	Chtn	SFH	The entire creek tributary to Wando River
Dawho River	Chtn	ORW(SFH)	The entire river from South Edisto River to North Edisto River
Debidue Creek	Gtwn	SFH	That portion of the creek from its headwaters to confluence with Cooks Creek, but not including tidal creeks on western shore between Bass Hole Bay and Cooks Creek
Debidue Creek	Gtwn	ORW(SFH)	That portion of the creek from confluence with Cooks Creek to North Inlet and all tidal creeks including those on western shore between Bass Hole Bay and Cooks Creek
Debordieu Channel	Gtwn	SFH	The entire channel tributary to Debidue Creek
Deep Creek	Flrn	FW	The entire creek tributary to Lynches River
Devils Fork Creek	Ocne	TN	That portion of the creek from confluence of Corbin Creek and Howard Creek to Lake Jocassee
Dewee's Inlet	Chtn	SFH	The entire inlet tributary to the Atlantic Ocean
Diversion Canal	Bkly	FW	The entire canal between Lake Marion and Lake Moultrie
Doolittle Creek	Chke	FW	The entire creek tributary to Broad River
Double Branch	Abvl	FW	The entire branch tributary to Long Cane Creek
Double Branch	Lxtn	FW	The entire branch tributary to Saluda River
Douglas Swamp	Clrn, Flrn, Smtr	FWsp	The entire swamp tributary to Pudding Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)

Dry Branch	Rlnd	ORW (FW)	That portion of the stream beginning at the boundary of the Congaree National Park to Weston Lake
Dry Branch	Rlnd	FW	That portion of the branch outside the boundary of the Congaree National Park
Dry Fork	Cstr	FW	The entire fork tributary to Sandy River
Duck Creek	Aldl	FW	The entire creek tributary to Coosawhatchie River
Duck Creek	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
Duck Island Channel	Chtn	SAsp	The entire channel connecting two segments of the Ashley River (D.O. not less than 4 mg/l)
Duncan Creek	Lrns, Nbry	FW	The entire creek tributary to Enoree River
Duncan Creek	Lxtn	FW	The entire creek tributary to Chinquapin Creek
Dunn Sound	Hory	SFH	The entire sound
Durbin Creek	Gnvl, Lrns	FW	The entire creek tributary to Enoree River
Dye Branch (also called Dry Branch)	York	FW	The entire branch tributary to Jones Branch
Eagle Creek	Chtn	SB	The entire creek tributary to Ashley River
Eastatoe Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to its confluence with Laurel Creek
Eastatoe Creek	Pkns	TPGT	That portion of the creek from its confluence with Laurel Creek to Lake Keowee
East Beards Creek	Andn	FW	The entire creek tributary to Wilson Creek
East Fork (also called Fork Creek)	Cfld	FW	The entire creek tributary to Lynches River
East Fork Chattooga River	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Indian Camp Branch
East Fork Chattooga River	Ocne	TN	That portion of the river from its confluence with Indian Camp Branch to Chattooga River
East Rock Creek	Andn	FW	The entire creek tributary to Broadway Creek
Edisto River	Chtn, Cltn	ORW(FW)	That portion of the river from U.S. 17 to its confluence with Dawho River and South Edisto River
Edisto River (Main Stem)	Orbg, Bmbg, Dchr, Cltn, Chtn	FW	That portion of the river from the confluence of North and South Forks to its confluence with South Edisto River and Dawho River
Eighteen Mile Creek	Pkns, Andn	FW	The entire creek tributary to Hartwell Lake
Emory Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property

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Emory Creek	Pkns	TN	That portion of the creek from northern boundary of Table Rock Resort property to its confluence with Oolenoy River
Enoree River	Gnvl, Spbg, Lrns, Unin, Nbry	FW	The entire river tributary to Broad River
Fairforest Creek	Spbg, Unin	FW	The entire creek tributary to Tyger River
Fall Creek	Ocne	FW	The entire creek tributary to Chattooga River
Falls Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Lake Trammell
Falls Creek	Gnvl	TN	That portion of the creek from the dam at Lake Trammell to Gap Creek
Fields Cut	Jspr	SA	The entire stream
First Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Fishing Creek	Cstr, York	FW	The entire creek tributary to Catawba River
Fishing Creek	Chtn	ORW(SA)	That portion of the creek from its headwaters to a point 2 miles from its mouth
Fishing Creek	Chtn	ORW(SFH)	That portion of the creek from a point 2 miles from its mouth to its confluence with St. Pierre Creek
Fishing Creek	Chtn	ORW(SFH)	The entire creek tributary to Dawho River
Fishing Creek Lake	Cstr, Lnt	FW	The entire lake on Catawba River
Fishtrap Branch	Ocne	FW	The entire branch tributary to Chattooga River
Five Fathom Creek	Chtn	SFH	The entire creek tributary to Bull's Bay
Flagreed Creek	Abvl	FW	The entire creek tributary to Calhoun Creek
Folly River	Chtn	SFH	The entire river tributary to Stono river
Fork Creek	Cfld	FW	The entire creek tributary to Lynches River
Foster Creek	Chtn	SFH	The entire creek tributary to Wando River
Four Hole Swamp	Orbg, Dchr, Bkly, Clhn	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Four Mile Creek	Orbg	FW	The entire creek tributary to North Fork Edisto River
Foreteen Mile Creek	Lxtn	FW	The entire creek tributary to Twelve-Mile Creek
Frampton Creek	Chtn	ORW(SFH)	The entire creek tributary to Frampton Inlet
Frampton Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Fripps Inlet	Bftr	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Frohawk Creek	Spbg	FW	The entire creek tributary to South Tyger River
Gaffney Creek	Chke	FW	The entire creek tributary to Broad River
Gap Creek	Gnvl	TN	The entire creek tributary to its confluence with Middle Saluda River

Garden Creek	Chtn	ORW(SFH)	The entire creek tributary to Toogoodoo Creek
Georges Creek (and branch from Easley)	Pkns	FW	The entire creek tributary to Saluda River
Gibson Creek	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Gilder Creek (also called Gillard Creek)	Gnvl	FW	The entire creek tributary to Enoree River
Gills Creek	Rlnd	FW	The entire creek tributary to Congaree River
Golden Creek	Pkns	FW	The entire creek tributary to Twelve Mile Creek
Goose Creek	Bkly	FW	That portion of the creek from its headwaters to Goose Creek Reservoir dam
Goose Creek	Bkly	SB	That portion of the creek from Goose Creek Reservoir dam to Cooper River
Graham Creek	Chtn	SFH	The entire creek tributary to Bull's Bay
Grambling Creek	Orbg	FWsp	The entire creek tributary to Bull Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Granny's Quarter Creek	Kshw	FW	The entire creek tributary to Wateree River
Grapevine Branch	Bmbg	FW	The entire branch tributary to Lemon Creek
Grassy Run Branch	Cstr	FW	The entire branch tributary to Rocky Creek
Grays Sound	Chtn	SFH	The entire sound
Great Falls Reservoir	Cstr, Lctr	FW	The entire reservoir on Catawba River
Green Creek	Pkns	ORW(FW)	The entire creek tributary to Carrick Creek
Green Swamp	Smtr	FWsp	The entire swamp tributary to Pocotaligo River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Groundwaters	All	GB	The entire groundwaters of the State (unless otherwise listed)
Guerin Creek	Bkly, Chtn	SFH	The entire creek tributary to Wando river
Gulley Branch	Flrn	FW	The entire branch tributary to Jefferies Creek
Gum Branch	Dchr	FWsp	The entire branch tributary to Indian Field Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Haile Gold Mine Creek	Lctr	FW	The entire creek tributary to Little Lynches River
Halfmoon Branch	Bmbg	FW	The entire branch tributary to Ghents Branch
Hamlin Sound	Chtn	SFH	The entire sound
Hanging Rock Creek	Lctr, Kshw	FW	The entire creek tributary to Little Lynches River
Harbor River	Bftr	ORW(SFH)	The entire river tributary to St. Helena Sound and Fripps Inlet

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Hard Creek	Labor	Gnwd, Mcmk	FW	The entire creek tributary to Stevens Creek
Harris Branch	Mill	Gnwd	FW	The entire branch tributary to Rocky Creek
Hartwell (NDZ)	Lake	Andn, Ocne, Pkns	FW	All that portion within South Carolina
Haulover Creek		Gtnw	SB	The entire creek between Mud Bay and Jones Creek
Hawe Creek		Mcmk	FW	The entire creek tributary to Lake Strom Thurmond
Hayes Swamp		Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Head Creek	Foremost	Gnvl	ORW(FW)	The entire creek tributary to Middle Saluda River
Hellhole Creek		Lxtn	FW	The entire creek tributary to Lightwood Knot Creek
Hembree Creek		Andn	FW	The entire creek tributary to Hartwell Lake
Hemedy Creek (also called Ramsey Creek)		Ocne	FW	The entire creek tributary to Chauga River
Hencoop Creek		Andn	FW	The entire creek tributary to Rocky Creek
Hobcaw Creek		Chtn	SFH	The entire creek tributary to Wando River
Hog Inlet/Cherry Grove Inlet		Hory	SFH	The entire inlet
Hollow Creek		Lxtn	FW	The entire creek tributary to Lake Murray
Horlbeck Creek		Chtn	SFH	The entire creek tributary to Wando River
Horse Creek		Aikn	FW	The entire creek tributary to Savannah River
Howard Creek		Ocne	ORW(TPGT)	That portion of the creek from its headwaters to 0.3 mile below Hwy 130 above the flow augmentation system at the Bad Creek pumped storage station dam
Howard Creek		Ocne	TN	That portion of the creek from just above the flow augmentation system at the Bad Creek pumped storage station dam to Devils Fork Creek
Hunting Swamp		Hory	FW	The entire swamp tributary to Little Pee Dee River
Husbands Creek		Mrlb	FW	The entire creek tributary to Pee Dee River
Indian Branch	Camp	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
Indian Creek		Lrns	FW	The entire creek tributary to Enoree River
Indian Swamp	Field	Dchr, Orbg	FWsp	The entire swamp tributary to Polk Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Ira Branch		Ocne	ORW(FW)	The entire branch tributary to the Chattooga River
Irene Creek		Chke	FW	The entire creek tributary to Thicketty Creek

J. Strom Thurmond Lake (also called Clarks Hill Reservoir) (NDZ)	Abvl, Mcmk	FW	The entire lake on Savannah River
Jackies Branch	Pkns	TN	The entire branch tributary to the confluence with Laurel Fork Creek
Jacks Creek	Ocne	ORW(FW)	The entire creek tributary to the East Fork Chattooga River
Jackson Branch	Aldl, Hmpt	FW	The entire branch tributary to Whippy Swamp
Jackson Creek	Ffld	FW	The entire creek tributary to Little River
Jackson Creek	Rlnd	FW	The entire creek tributary to Gills Creek
Jacobs Creek	Lrns	FW	The entire creek tributary to Sand Creek
Jeffries Creek	Drln, Flrn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Jeremy Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Jericho Creek	Bfirt	SA	The entire creek tributary to Battery Creek
Jerry Creek	Ocne	FW	The entire creek tributary to Chauga River
Jimmies Creek	Spbg	FW	The entire creek tributary to the Tyger River
Johnson Creek	Bfirt	ORW(SFH)	The entire creek tributary to Harbor River and the Atlantic Ocean
Johnsons Swamp (Summerhouse Branch and Bartons Branch)	Gtwn, Wmbg	FW	The entire swamp tributary to Black River
Jones Creek	Gtwn	SB	That portion of the creek from its confluence with Mud Bay to its confluence with Nancy Creek
Jones Creek	Gtwn	SFH	That portion of the creek from its confluence with Nancy Creek to a point midway between its confluence with Duck Creek and Noble Slough
Jones Creek	Gtwn	ORW(SFH)	That portion of the creek from a point midway between its confluence with Duck Creek and Noble Slough to North Inlet
Jordan Branch	Brwl	FW	The entire branch tributary to Toby Creek
Julian Creek	Gnvl	ORW(FW)	The entire creek tributary to Matthews Creek
Jumping Branch	Ocne	TN	That portion of the branch From its headwaters to Lake Cherokee
Kate Fowler Branch	Gnwd	FW	The entire branch tributary to Ninety-Six Creek
Kellers Creek	Abvl	FW	The entire creek tributary to McCord Creek
Kelsey Creek	Spbg	FW	The entire creek tributary to Fairforest Creek
Kilgore Branch	Drln	FW	The entire branch tributary to Black Creek
King Creek	Ocne	ORW(FW)	The entire creek tributary to Chattooga River

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Kinley Creek	Lxtn	FW	The entire creek tributary to Saluda River
Knox Creek	Ocne	FW	That portion of the creek from Lake Cheohee Dam to the confluence with Cheohee Creek
Koon Branch	Lxtn	FW	The entire branch tributary to Rawls Creek
Lake Cheohee	Ocne	FW	The entire lake
Lake Cherokee (also called Lake Isaquenna)	Ocne	FW	The entire lake
Lake Greenwood	Gnwd, Lrns, Nbry	FW	The entire lake on Saluda River
Lake Hartwell (NDZ)	Ocne, Pkns, Andn	FW	All that portion within South Carolina
Lake Jocassee	Ocne	TPGT	The entire lake
Lake Keowee (NDZ)	Ocne, Pkns	FW	The entire lake
Lake Lanier	Gnvl	FW	The entire lake on Vaughn Creek
Lake Marion	Bkly, Clrn, Orbg, Smtr	FW	The entire lake
Lake Moultrie	Bkly	FW	The entire lake
Lake Murray (NDZ)	Lxtn, Nbry, Rlnd, Slda	FW	The entire lake on Saluda River
Lake Rabon	Lrns	FW	The entire lake on Rabon Creek, North Rabon Creek, and South Rabon Creek
Lake Richard B. Russell	Abvl, Andn	FW	The entire lake
Lake Rotary	Gnvl	FW	The entire lake
Lake Secession	Abvl, Andn	FW	The entire lake on Rocky River
Lake Sudy	Gnvl	FW	The entire lake
Lake Swamp	Drln, Flrn	FWsp	The entire lake tributary to Sparrow Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lake Swamp (Lake City, also called Lynch's Lake)	Flrn, Wmbg	FWsp	The entire lake (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lake Swamp	Hory	FWsp	The entire lake tributary to Little Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lake Trammell	Gnvl	TN	The entire lake
Lake Tugaloo	Ocne	TPGT	The entire lake
Lake Wylie (NDZ)	York	FW	The entire lake on Catawba River
Langston Creek (unnamed Creek to Reedy River 1 ½ mile above Long Branch)	Gnvl	FW	The entire creek tributary to Reedy River
Laurel Branch	Pkns	ORW(FW)	The entire branch tributary to Eastatooe Creek
Laurel Creek	Gnvl	FW	The entire creek tributary to Reedy River

Laurel Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Laurel Fork Creek	Pkns	TN	The entire creek tributary to Lake Jocassee
Lawsons Fork Creek	Spbg	FW	The entire creek tributary to Pacolet River
Leadenwah Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Lee Swamp	Smtr	FWsp	The entire swamp tributary to Rocky Bluff Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lemon Creek	Bmbg	FWsp	The entire creek tributary to Little Salkehatchie River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lick Creek	Lrns	FW	The entire creek tributary to North Rabon Creek
Lick Log Creek	Ocne	FW	That portion of the creek from its headwaters through Thrift Lake
Lick Log Creek	Ocne	ORW(FW)	That portion of the creek from Thrift Lake to Chattooga River
Lightwood Knot Creek	Lxtn	FW	The entire creek tributary to North Fork Edisto River
Limber Pole Creek	Ocne	TN	The entire creek tributary to Devils Fork Creek
Limestone Creek	Chke	FW	The entire creek tributary to Broad River
Little Beaverdam Creek	Andn	FW	The entire creek tributary to Rocky River
Little Boggy Swamp	Drln	FW	The entire swamp tributary to Big Boggy Swamp
Little Eastatoe Creek	Pkns	TPGT	That portion of the creek from its headwaters to its confluence with Eastatoe Creek
Little Fork Creek	Cfld	FW	The entire creek tributary to East Fork or Fork Creek
Little Generostee Creek	Andn	FW	The entire creek tributary to Savannah River
Little Horse Creek	Aikn	FW	The entire creek tributary to Horse Creek
Little Jones Creek	Gtwn	SFH	The entire creek tributary to Jones Creek
Little Lynches River(also called Lynches Creek)	Krsh, Lctr	FW	The entire river tributary to Lynches River
Little Pee Dee River	Diln, Marn, Mrlb	FW	That portion from its headwaters to the confluence with Lumber River
Little Pee Dee River	Hory, Marn	ORW(FW)	That portion of the river from the confluence with Lumber River to the confluence with Great Pee Dee River

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Little Pine Tree Creek	Krsh	FW	The entire creek tributary to Big Pine Tree Creek
Little River	Abvl, Mcmk	FW	The entire river tributary to Lake Strom Thurmond
Little River	Ffld	FW	The entire river tributary to Broad River
Little River	Lrns, Nbry	FW	The entire river tributary to Saluda River
Little River	Ocne	FW	The entire river tributary to Lake Hartwell
Little River Inlet	Hory	SFH	The entire inlet from its confluence with the Atlantic Intracoastal Waterway to its confluence with the Atlantic Ocean
Little Salkehatchie River	Bmbg, Cltn	FW	The entire river tributary to Salkehatchie River
Little Saluda River	Slda	FW	The entire river tributary to Lake Murray
Little Sandy River	Cstr	FW	The entire river tributary to Sandy River
Little Thicketty Creek	Chke	FW	The entire creek tributary to Thicketty Creek
Long Branch	Abvl, Andn	FW	The entire branch tributary to Rocky River
Long Cane Creek	Abvl, Mcmk	FW	The entire creek tributary to Lake Strom Thurmond
Long Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Long Creek	Ocne	FW	The entire creek tributary to Chattooga River
Lorick Branch	Lxtn	FW	The entire branch tributary to Saluda River
Lower Toogoodoo Creek	Chtn	SFH	That portion of the creek from its headwaters to a point 3 miles from its mouth
Lower Toogoodoo Creek	Chtn	ORW(SFH)	That portion of the creek from a point 3 miles from its mouth to its confluence with Toogoodoo Creek
Ludlow Branch	Mcmk	FW	The entire branch tributary to Lake Strom Thurmond
Lumber River	Diln, Hory, Marn	FW	The entire river tributary to Little Pee Dee River
Lynches Lake	Flrn, Wmbg	FWsp	The entire lake (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Lynches River	Cfld, Diln, Flrn, Krsh, Lctr, Lee, Smtr	FW	The entire river tributary to Pee Dee River
Mad Dog Branch	Pkns	FW	The entire branch tributary to Georges Creek
Maidendown Swamp	Marn	FWsp	The entire swamp tributary to Buck Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Maple Creek	Spbg	FW	The entire creek tributary to South Tyger River
Maple Swamp	Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)

Mark Bay	Chtn	ORW(SFH)	The entire bay
Martin Creek	Ocne	FW	The entire creek tributary to Lake Hartwell
Matthews Creek	Gnvl	ORW(FW)	That portion of the Creek from its headwaters to the end of State land in the Mountain Bridge area
Matthews Creek	Gnvl	TN	That portion of the creek from the end of State land in the Mountain Bridge area to its confluence with South Saluda River
May River	Bfrt	ORW(SFH)	The entire river tributary to Calibogue Sound
McAlpine Creek	Lctr	FW	The entire creek tributary to Sugar Creek
McCall Branch	Flrn	FW	The entire branch tributary to Lynches River
McCord Creek	Abvl	FW	The entire creek tributary to Long Cane Creek
McIntosh Mill Stream	Drln	FW	The entire stream tributary to Black Creek
McKenzie Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
McKenzie Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Toms Creek
McKinneys Creek	Ocne	TN	That portion of the creek from its headwaters to Hwy 25
McKinneys Creek	Ocne	FW	That portion of the creek from Hwy 25 to Lake Keowee
McLeod Creek (also called Tom Point Creek)	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Meings Creek (also called Meng Creek)	Unin	FW	The entire creek tributary to Broad River
Middle Branch	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Middle Pen Swamp	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Middle Saluda River	Gnvl	ORW(FW)	That portion of the river from its headwaters to the end of State Land at Jones Gap State Park land
Middle Saluda River	Gnvl	TN	That portion of the river from Jones Gap State Park land to Oil Camp Creek
Middle Swamp	Drln, Flrn	FWsp	The entire swamp tributary to Jeffries Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Middle Tyger River	Gnvl, Spbg	FW	The entire river tributary to North Tyger River
Mill Branch	Orbg	FW	The entire branch tributary to North Fork Edisto River
Mill Creek	Chke	FW	The entire creek tributary to Limestone Creek
Mill Creek	Ffld	FW	The entire creek tributary to Little River

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Mill Creek	Gnvl	FW	That portion of the creek from its headwaters to the end of Pleasant Ridge State Park land including the unnamed lake
Mill Creek	Ocne	TN	That portion of the creek from its headwaters to Burgess Creek
Mill Creek	Pkns	TPGT	The entire creek tributary to Eastatoe Creek
Mill Creek	Rlnd	FW	The entire creek tributary to Congaree River
Mill Creek	Spbg	FW	The entire creek tributary to Enoree River
Mill Creek	Smtr	FW	The entire creek tributary to Lake Marion
Millpond Branch	Flrn	FW	The entire branch tributary to Lynches River
Milton Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Mine Creek	Slda	FW	The entire creek tributary to Little Saluda River
Mitchell Creek	Unin	FW	The entire creek tributary to Fairforest Creek
Molasses Creek	Chtn	SFH	The entire creek tributary to Wando River
Moody Creek	Ocne	TN	That portion of the creek from its headwaters to its confluence with Cantrell Creek
Morgan River	Bfrit	SFH	The entire river tributary to St. Helena Sound
Mosquito Creek	Cltn	ORW(SFH)	That portion of the creek from Bull Cut to South Edisto River
Moss Mill Creek	Ocne	ORW(FW)	The entire creek tributary to Chattooga River
Mountain Creek	Gnvl	FW	The entire creek tributary to Enoree River
Mountain Creek	Lrns	FW	The entire creek tributary to North Rabon Creek
Mud Creek (also called Fields Cut)	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Mud River	Jspr	SA	The entire river between Savannah River and Wright River
Mud Creek	Gtwn	SFH	The entire creek between Oyster Bay and Town Creek
Muddy Creek	Flrn, Wmbg	FWsp	The entire creek tributary to Clarks Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Murrells Inlet	Gtwn	SFH	The entire inlet tributary to the Atlantic Ocean
Myers Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
Myers Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
Naked Creek	Mrlb	FW	The entire creek tributary to Pee Dee River
Nancy Creek	Gtwn	SB	The entire creek tributary to Jones Creek
New Chehaw River	Cltn	SFH	The entire river tributary to St. Helena Sound
New Cut	Chtn	SFH	The entire cut between Church Creek and Stono River

New River	Bfirt, Jspr	SA	The entire river tributary to the Atlantic Ocean
Newman Swamp	Drln	FWsp	The entire swamp tributary to Sparrow Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Ninety Six Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
No Mans Friend Creek	Gtwn	SB	The entire creek between Mud Bay and Oyster Bay
Noble Slough	Gtwn	SB	The entire slough between Oyster Bay and Jones Creek
Norris Creek	Abvl	FW	The entire creek tributary to Long Cane Creek
North River Edisto	Chtn	ORW(SFH)	That portion of the river from its headwaters to the Atlantic Intracoastal Waterway
North River Edisto	Chtn	SFH	That portion of the river from the Atlantic Intracoastal Waterway to Steamboat Creek
North River Edisto	Chtn	ORW(SFH)	That portion of the river from Steamboat Creek to the Atlantic Ocean
North Fork Edisto River	Aikn, Lxtn, Orbg	FW	The entire river tributary to Edisto River
North Fork Little River	Ocne	TPGT	That portion of the river from the confluence of Mill Creek and Burgess Creek to Hwy 11
North Fork Little River	Ocne	FW	That portion of the river from Hwy 11 to its confluence with Little River
North Inlet	Gtwn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
North River Pacolet	Spbg	FW	The entire river tributary to Pacolet River
North River Rabon Creek	Lrns	FW	The entire creek tributary to Rabon Creek
North River Saluda	Gnvl	ORW(FW)	That portion of the river from its headwaters to S.C. 42
North River Saluda	Gnvl	FW	That portion of the river from S.C. 42 to Saluda River
North River Santee	Gtwn	FW	That fresh water portion of the river
North River Santee	Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 ft below the Atlantic Intracoastal Waterway
North River Santee	Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
North River Tyger	Spbg	FW	The entire river tributary to Tyger River
Ocella Creek	Chtn	ORW(SFH)	The entire creek tributary to South Creek
Oil Creek Camp	Gnvl	ORW (FW)	That portion of the creek from its headwaters to the end of State land at Ceasars Head State Park
Oil Creek Camp	Gnvl	TN	That portion of the creek from Ceasars Head State Park land to Middle Saluda River

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Okatie River	Bftr	ORW(SFH)	The entire river tributary to Colleton River
Old Chehaw River	Cltn	SFH	The entire river tributary to Combahee River
Old Dead River	Rlnd	ORW(FW)	The entire river within the boundary of the Congaree National Park
Old House Creek	Bftr	SFH	The entire creek tributary to Fripps Inlet
Old Man Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Olive Branch	Lxtn	FW	The entire branch tributary to Duncan Creek
Oolenoy River	Pkns	TPGT	That portion of the river from its headwaters to Emory Creek
Oolenoy River	Pkns	FW	That portion of the river from Emory Creek to its confluence with South Saluda River
Opossum Creek	Ocne	FW	The entire creek tributary to Chattooga River
Oyster Bay	Gtwn	SB	The entire bay between No Mans Friend Creek and Noble Slough
Oyster House Creek	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Pacolet River	Chke, Spbg, Unin	FW	The entire river tributary to Broad River
Palmetto Swamp	Hory	FW	The entire swamp tributary to Little Pee Dee River
Panther Creek	Mrlb	FW	The entire creek tributary to Beaverdam Creek
Park Creek	Abvl	FW	The entire creek tributary to Little River
Payne Branch	Gnvl	FW	The entire branch tributary to South Rabon Creek
Pee Dee River	Cfld, Diln, Drln, Flrn, Marn, Mrlb, Wmbg	FW	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek
Pee Dee River	Gtwn	SBsp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than daily average 5 mg/l and minimum 4 mg/l)
Pen Branch	Orbg	FW	The entire branch tributary to North Fork Edisto River
Peoples Creek (also called Gaffney Creek and Town Creek)	Chke	FW	The entire creek tributary to Broad River
Pig Pen Branch	Ocne	ORW(FW)	The entire branch tributary to Lick Log Creek
Pinckney Branch	Ocne	FW	The entire branch tributary to Chattooga River
Pinnacle Lake	Pkns	ORW(FW)	The entire lake
Pleasant Meadow Swamp	Hory	FWsp	The entire swamp tributary to Lake Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)

Pocalla Creek	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Pocotaligo River	Clrn, Smtr	FWsp	The entire river tributary to Black River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Polk Swamp	Dchr, Orbg	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Port Royal Sound	Bftr	SFH	The entire sound tributary to the Atlantic Ocean
Price Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Privateer Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Providence Branch	Chke	FW	That portion of the branch below County Road 793 to Cherokee Creek
Pudding Swamp	Clrn, Smtr, Wmbg	FWsp	The entire swamp tributary to Black River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Pye Branch	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Rabon Creek	Lrns	FW	That portion of the creek from the confluence of North Rabon Creek and South Rabon Creek, in Lake Rabon, to its confluence with Lake Greenwood
Ralston Creek	Bkly	SFH	The entire creek tributary to Wando River
Ramsey Creek	Ocne	FW	The entire creek tributary to Chauga River
Ramshorn Creek	Bftr	SFH	The entire creek between New River and Cooper River
Rathall Creek	Chtn	SFH	The entire creek tributary to Wando River
Rawls Creek	Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
Red Bank Creek	Lxtn	FW	The entire creek tributary to Congaree River
Red Bank Creek	Slda	FW	The entire creek tributary to Mine Creek
Reedy Branch	Ocne	FW	The entire branch tributary to Chattooga River
Reedy Cove Creek	Pkns	FW	The entire creek tributary to Eastatoe Creek
Reedy Fork Branch	Lrns	FW	The entire branch tributary to Little River
Reedy River	Gnvl, Lrns	FW	The entire river tributary to Lake Greenwood
Rices Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Richardson Branch	Aldl	FW	The entire branch tributary to Coosawhatchie River
Robb Senn Branch	Lxtn	FW	The entire branch tributary to Saluda River
Rock Branch	Gnvl	TN	The entire branch tributary to Middle Saluda River
Rock Creek	Pkns	TN	That portion of the creek within South Carolina
Rocky Bluff Swamp	Lee, Smtr	FWsp	The entire swamp tributary to Black River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)

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Rocky Bottom Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Rocky Creek	Cstr	FW	The entire creek (including Little Rocky Creek) tributary to Cedar Creek Reservoir
Rocky Creek	Mcmk	FW	The entire creek tributary to Hard Labor Creek
Rocky Creek (also called Rock Creek)	Gnwd	FW	The entire creek tributary to Coronaca Creek
Rocky River	Abvl, Andn	FW	The entire river tributary to Savannah River
Rose Branch	Drln	FW	The entire branch tributary to Lynches River
Rosemary Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Running Lake Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
Running Lake Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Toms Creek
Russell Creek	Chtn	ORW(SFH)	The entire creek tributary to Dawho River
St. Helena Sound	Bfirt, Cltn	SFH	The entire sound tributary to the Atlantic Ocean
Salkehatchie River	Aldl, Bmbg, Brwl, Cltn, Hmpt	FW	That portion of the river from its headwaters through the confluence with the Little Salkehatchie River to saltwater intrusion at U.S. Hwy 17
Salkehatchie River	Bfirt, Cltn, Hmpt	SFH	That portion of the river from saltwater intrusion at U.S. Hwy 17 to St. Helena Sound
Salt Water Creek	Jspr	SB	The entire creek tributary to Wright Creek
Saluda Lake	Gnvl	FW	The entire lake on Saluda River
Saluda River (Main stem)	Abvl, Andn, Gnvl, Grwd, Lrns, Lxtn, Nbry, Pkns, Rlnd, Slda	FW	The entire river tributary to Lake Murray
Saluda River (Main stem)	Lxtn, Rlnd	TPGTsp	That portion from the Lake Murray Dam to the confluence with Broad River (D.O. not less than daily average 5 mg/l, a running thirty day average of 5.5 mg/l, with a low of 4.0 mg/l)
Saluda River (Main stem) Unnamed Tributaries	Lxtn, Rlnd	FW	All tributaries to the main stem of Saluda River from the Lake Murray Dam to the confluence with Broad River
Sampit River	Gtwn	FWsp	That portion of the river from the headwaters to saltwater intrusion (D.O. not less than 4 mg/l, pH 5.0 - -8.5)
Sampit River	Gtwn	SB	That portion of the river from saltwater intrusion to Winyah Bay
Sampson Island Creek	Cltn	ORW(SFH)	The entire creek tributary to South Edisto River

Sand Creek	Ffld	FW	The entire creek tributary to Jackson Creek
Sand Creek	Lrns	FW	The entire creek tributary to Duncan Creek
Sand Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Sanders Branch	Hmpt	FWsp	The entire branch tributary to Coosawatchie River (D.O. not less than 4 mg/l, pH 5.0 - - 8.5)
Sanders Creek	Krsh	FW	The entire creek tributary to Wateree River
Sandy River	Cstr	FW	The entire creek tributary to Broad River
Santee River	Bkly, Clrn, Gtwn, Wmbg	FW	That portion of the river below Lake Marion to North and South Santee Rivers
Santee River	Clhn, Smtr	FW	From junction of Congaree and Wateree Rivers to Lake Marion
Santee River (North and South)	Bkly, Chtn, Gtwn		See North Santee River and South Santee River (Berkeley, Charleston, and Georgetown Counties)
Savannah Creek	Bmbg, Cltn	FW	The entire creek tributary to Salkehatchie River
Savannah Creek	Hory	FW	The entire creek tributary to Chinners Swamp
Savannah River	Abvl	TPGT	That portion of the river from Lake Hartwell Dam to the headwaters of Lake Russell
Savannah River	Abvl, Aikn, Aldl, Andn, Brwl, Efld, Hmpt, Mcmk	FW	That portion of the river from the headwaters of Lake Russell to Seaboard Coastline RR
Savannah River	Hmpt, Jspr	SBsp	That portion of the river from Seaboard Coastline RR to Ft. Pulaski (D.O. not less than daily average of 5 mg/l and minimum 4 mg/l)
Savannah River	Jspr	SA	That portion of the river from Ft. Pulaski to the Atlantic Ocean
Sawhead Branch	Ocne	FW	The entire branch tributary to Opossum Creek
Sawmill Branch	Bkly, Dchr	FW	The entire branch tributary to Dorchester Creek
Sawmill Creek	Bftr	ORW(SFH)	The entire creek tributary to Colleton River
Sawney Creek	Abvl, Mcmk	FW	The entire creek tributary to Little River
Sawneys Creek	Ffld, Kshw	FW	The entire creek tributary to Wateree River
Schewbough Branch (also called Skeebo Branch)	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Scott Creek	Nbry	FW	The entire creek tributary to Bush River
Scott Creek	Chtn	ORW(SFH)	The entire creek from Big Bay Creek to Jeremy Inlet
Scouter Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Sea Creek Bay	Gtwn	ORW(SFH)	The entire bay tributary to Old Man Creek
Second Creek	Lxtn	FW	The entire creek tributary to First Creek
Sewee Bay	Chtn	SFH	The entire bay

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Shanklin Creek	Andn	FW	The entire creek tributary to Three and Twenty Mile Creek
Shaver Creek (also called Cheves Creek)	Efld	FW	The entire creek tributary to Stevens Creek
Shaw Creek	Aikn, Efld	FW	The entire creek tributary to South Fork Edisto River
Shell Creek	Lrns	FW	The entire creek tributary to Bush River
Shem Creek	Chtn	SB	The entire creek tributary to Charleston Harbor
Shingle Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Shoulder Bone Branch	Ocne	FW	The entire branch tributary to Sawhead Branch
Side of Mountain Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Silver Brook Creek	Andn	FW	The entire creek tributary to Rocky River
Six Mile Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Six and Twenty Creek	Andn	FW	The entire creek tributary to Lake Hartwell
Sixty Bass Creek	Gtwn	SFH	That portion of the creek from its confluence with Town Creek to a point 0.4 mile from its confluence with Town Creek
Sixty Bass Creek	Gtwn	ORW(SFH)	That portion of the creek from a point 0.4 mile from its confluence with Town Creek to North Inlet
Skeebo Branch	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Slatten Branch	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
Smeltzer Creek	Ocne	TN	That portion of the creek from its headwaters to Hwy 130
Smeltzer Creek	Ocne	TPGT	That portion of the creek from Hwy 130 to North Fork Little River
Smith Branch	Rlnd	FW	The entire branch tributary to Broad River
Smith Swamp	Marn	FWsp	The entire swamp tributary to Catfish Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
South Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
South Edisto River	Chtn, Cltn	ORW(SFH)	That portion of the river from Dawho River to Mud Creek
South Edisto River	Chtn, Cltn	SFH	That portion of the river from Mud Creek to the Atlantic Ocean
South Fork Edisto River	Aikn, Bmbg, Brwl, Efld, Orbg	FW	The entire river tributary to North Fork Edisto River
South Fork Kings Creek	Nbry	FW	The entire creek tributary to Enoree River

South River	Pacolet	Gnvl, Spbg	TN	That portion of the river from its headwaters to Hwy 116
South River	Pacolet	Gnvl, Spbg	FW	That portion of the river from Hwy 116 to Pacolet River
South Creek	Rabon	Gnvl, Lrns	FW	The entire creek tributary to Rabon Creek
South River	Saluda	Gnvl, Pkns	ORW(FW)	That portion of the river from its headwaters to Table Rock Reservoir Dam
South River	Saluda	Gnvl, Pkns	TPGT	That portion of the river from Table Rock Reservoir Dam to Hwy 8
South River	Saluda	Gnvl, Pkns	FW	That portion of the river from Hwy 8 to junction with North Saluda River
South River	Santee	Bkly, Chtn. Gtwn	FW	That freshwater portion of the river
South River	Santee	Bkly, Chtn, Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 feet below the Atlantic Intracoastal Waterway
South River	Santee	Bkly, Chtn, Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
South River	Tyger	Gnvl, Spbg	FW	The entire river tributary to Tyger River
Spain Creek		Gnvl	FW	The entire creek tributary to Saluda River
Sparrow Swamp		Drln, Flrn, Lee	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/l, pH 5.0 - 8.5)
Spears Creek		Krsh, Rlnd	FW	The entire creek (and its tributaries) from its headwaters to its confluence with Wateree River
St. Pierre Creek		Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Steamboat Creek		Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Steele Creek		York	FW	The entire creek tributary to Sugar Creek
Stevens Creek		Efld, Mcmk	FW	The entire creek tributary to Savannah River
Stitt Branch		Ffld	FW	The entire branch tributary to Jackson Creek
Stoddard Creek		Gnvl, Lrns	FW	The entire creek tributary to North Rabon Creek
Stono River		Chtn	SFH	That portion of the river extending eastward to S.C.L. Railroad Bridge
Stono River		Chtn	SFH	That portion of the river from the S.C.L. Railroad Bridge to Abbapoola Creek
Stono River		Chtn	SFH	That portion of the river from Abbapoola Creek to Folly River
Stoops Creek		Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
Store Creek		Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Story River		Bfirt	SFH	The entire river to Trenchards Inlet and Fripps Inlet
Stuart Creek		Ffld	FW	The entire creek tributary to Jackson Creek
Sugar Creek		Lctr, York	FW	The entire creek tributary to Catawba River

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Summerhouse Branch	Gtwn, Wmbg		See Bartons Swamp and Johnsons Swamp (Georgetown and Williamsburg Counties)
Swaford Creek	Ocne	TN	The entire creek tributary to East Fork Chattooga River
Sweetwater Branch	Efld	FW	The entire branch tributary to Stevens Creek
Swift Creek	Krsh, Smtr	FW	The entire creek tributary to Wateree River
Swinton Creek	Chtn	ORW(SFH)	The entire creek tributary to Lower Toogoodoo Creek
Tailrace Canal	Bkly	FW	That portion of the canal from Lake Moultrie Dam to Biggin Creek
Tamassee Creek	Ocne	ORW(FW)	That portion of the creek from its headwaters to end of U.S. Forest Service Land
Tamassee Creek	Ocne	FW	That portion of the creek from U.S. Forest Service Land to its confluence with Cheohee Creek
Thicketty Creek	Chke	FW	That portion of the creek below the Cowpens discharge tributary to Broad River
Thompson Creek	Cfld	FW	The entire creek tributary to Pee Dee River
Thompson River	Ocne	TN	That portion of the river from State Line to Lake Jocassee
Three Creeks	Mrlb	FW	The entire creek tributary to Pee Dee River
Tilly Branch	Ocne	FW	The entire branch tributary to Chattooga River
Timothy Creek	Nbry	FW	The entire creek tributary to Bush River
Tinker Creek	Unin	FW	The entire creek tributary to Tyger River
Tinkers Creek	Cstr	FW	The entire creek tributary to Fishing Creek
Toby Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Todds Branch	Lctr	FW	The entire branch tributary to Little Lynches River
Tom Point Creek (also called McLeod Creek)	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Toms Creek	Lxtn	FW	The entire creek tributary to Congaree River
Toms Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
Toms Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
Toogoodoo Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Toomer Creek	Chtn	SFH	The entire creek tributary to Wando River
Town Creek	Crke	FW	The entire creek tributary to Broad Creek
Town Creek	Krsh	FW	The entire creek tributary to Wateree Creek
Town Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek

Town Creek	Gtwn	SB	That portion of the creek from its confluence with No Mans Friend Creek and Oyster Bay to its western confluence with Clambank Creek.
Town Creek	Gtwn	SFH	That portion of the creek from its western confluence with Clambake Creek to its eastern confluence with Clambake Creek
Town Creek	Gtwn	ORW(SFH)	That portion of the creek from its eastern confluence with Clambake Creek to North Inlet
Townes Creek	Ocne	TN	That portion of the creek from the confluence of West Fork and Crane Creek to Lake Cherokee
Townsend River	Chtn	ORW(SFH)	The entire river tributary to Frampton Inlet
Trenchards Inlet	Bfrit	SFH	The entire inlet tributary to the Atlantic Ocean
Tugaloo River	Ocne	FW	That portion of the river from Tugaloo Dam to Lake Hartwell
Turkey Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Turkey Creek	Cstr, York	FW	The entire creek tributary to Broad River
Turkey Creek	Edfd, Mcmk	FW	The entire creek tributary to Stevens Creek
Turkey Creek	Grwd	FW	The entire creek tributary to Saluda River
Turkey Creek	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Turkey Creek (also called Turkey Quarter Creek)	Lctr	FW	The entire creek tributary to Cane Creek
Turpin Branch	Ocne	FW	The entire branch tributary to Chattooga River
Twelvemile Creek	Lxtn	FW	The entire creek tributary to Saluda River
Twelvemile Creek	Pkns	FW	The entire creek tributary to Lake Hartwell
Twentyfive Mile Creek	Krsh	FW	The entire creek tributary to Wateree River
Three and Twenty Creek	Andn	FW	The entire creek tributary to Lake Hartwell
Tyger River (Main Stem)	Nbry, Spbg, Unin	FW	The entire river tributary to Broad River
Unnamed Creek	Gnvl	FW	The unnamed creek which enters Reedy River on the west bank 1¼ miles below Conestee Lake
Unnamed Creek	Gnvl		See Langston Creek (Greenville County)
Unnamed Creek	Ocne	FW	The unnamed creek which enters Little River at Newry

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Unnamed Creek Mill Creek	Unin	FW	The unnamed creek which originates in Jonesville and flows north-northeast to Mill Creek
Unnamed Creek Tributary to Beaverdam Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including the reservoir, to Secondary Road 22
Unnamed Creek Tributary to Beaverdam Creek	Gnvl	FW	That portion of the creek from Secondary Road 22 to Beaverdam Creek
Unnamed Creek to Mountain Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including Mountain Lake, to Mountain Creek
Unnamed Creek (Located near Altamont Forest Rd) Tributary to an Unnamed Tributary to Mountain Creek	Gnvl	FW	The entire creek
Unnamed Creek (Fripps Island) Tributary to Fripps Inlet	Bfirt	SFH	The entire creek tributary to Fripps Inlet
Unnamed Creek (Old Island) Tributary to Fripps Inlet	Bfirt	SFH	The entire creek tributary to Fripps Inlet
Unnamed Creek (St. Helena Island) Tributary to Harbor River	Bfirt	SFH	The entire creek tributary to Harbor River
Unnamed Creek (Harbor River) Tributary to St. Helena Sound	Bfirt	SFH	The entire creek tributary to St. Helena Sound
Unnamed Creeks, Ponds, or Lakes	Rlnd	FW	Any portions tributary to waters unnamed or named located within the boundary of the Congaree National Park to the boundary of the Congaree National Park

Unnamed Creeks, Ponds, or Lakes	Rlnd	ORW(FW)	All portions of waters and waters located wholly within the boundary of the Congaree National Park
Unnamed Swamp (Near North, S.C.)	Orbg	FWsp	The entire swamp tributary to North Fork Edisto River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Vaughn Creek	Gnvl	ORW(FW)	The entire creek tributary to Lake Lanier
Waccamaw River	Gtwn, Hory	FWsp	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Waccamaw River	Gtwn	SAsp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than 4 mg/l)
Wadmalaw River	Chtn	ORW(SFH)	The entire river from Wadmalaw Sound to North Edisto River
Wadmalaw Sound	Chtn	ORW(SFH)	The entire sound
Wagner Creek	Chtn	SFH	The entire creek tributary to Wando River
Walker Branch	Ffld	FW	The entire branch tributary to Big DutchmanCreek
Wando River	Bkly, Chtn	SFH	That portion from its headwaters to a point 2.5 miles north of its confluence with Cooper River
Wando River	Bkly, Chtn	SA	That portion from a point 2.5 miles north of its confluence with Cooper River to its confluence with Cooper River
Wapoo Creek	Chtn	SB	The entire creek tributary to Stono River
Ward Creek	Bftr	SFH	The entire creek tributary to Harbor River
Warrior Creek	Lrns	FW	The entire creek tributary to Enoree River
Wateree Lake	Ffld, Krsh, Lctr	FW	The entire lake on Catawba-Wateree River
Wateree River	Cstr, Ffld, Krsh, Lctr, Rlnd, Smtr, York	FW	See Catawba-Wateree
Watts Mill Branch	Lrns	FW	The entire branch tributary to Little River
West Branch Cooper River	Bkly	FW	The entire river from Biggin Creek to its confluence with East Branch Cooper River (the Tee)
West Fork (also called Little Fork Creek)	Cfld	FW	The entire stream tributary to East Fork or Fork Creek
West Fork	Ocne	TN	That portion from its headwaters to its confluence with Crane Creek
Westbank Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Weston Lake	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park

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Whale Branch	Bftr	SFH	The entire branch between Broad River and Coosaw River
Whetstone Creek	Ocne	TN	The entire creek tributary to Chattooga River
White Oak Creek	Krsh	FW	The entire creek tributary to Wateree Lake
White Oak Creek	Marn	FWsp	The entire creek tributary to Pee Dee River Swamp (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
White Oak Creek	Ocne	TN	That portion of the creek from its headwaters to Knox Creek
Whitewater River	Ocne	ORW(TPGT)	That portion of the river from State line to Lake Jocassee
Whitner Creek	Andn	FW	The entire creek tributary to Big Generostee Creek
Whooping Island Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Wildcat Creek	Rlnd	FW	The entire creek tributary to Gills Creek
Wildcat Creek	York	FW	The entire creek tributary to Fishing Creek
Wilkerson Creek	Aikn	FW	The entire creek tributary to Horse Creek
Willis Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property
Willis Creek	Pkns	TN	That portion of the creek from the northern boundary of Table Rock Resort property to its confluence with Oolenoy River
Willow Swamp	Orbg	FWsp	The entire swamp tributary to South Fork Edisto River (D.O. not less than 4 mg/l, pH 5.0 – 8.5)
Wilson Branch	Abvl, Andn	FW	The entire branch tributary to Rocky River
Wilson Branch	Gnvl	FW	The entire branch tributary to Durbin Creek
Wilson Creek	Gnwd	FW	The entire creek tributary to Saluda River
Windy Hill Creek	Bmbg, Brwl	FW	The entire creek tributary to South Fork Edisto River
Winyah Bay	Gtwn	SB	The entire bay tributary to the Atlantic Ocean
Wise Lake	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park
Wolf Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Wood Creek	Gtwn	ORW(SFH)	The entire creek between Boor Creek and Jones Creek
Wright Creek	Ocne	ORW(TPGT)	The entire creek tributary to Lake Jocassee
Wright River	Jspr	SA	The entire river tributary to the Atlantic Ocean
Zekial Creek	Chke	FW	That portion of the creek from its headwaters to its intersection with S.C. Hwy 110

Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-68, Water Classifications and Standards, and amendment of Regulation 61-69, Classified Waters.

Purpose: Amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). EPA no longer approves fecal coliform as the bacterial indicator species for protecting recreational uses and recommends that States adopt E.coli or enterococci for the purpose of protecting recreational uses. The amendments adopt E.coli in freshwaters and clarifies how indicator species will be used throughout the State. The amendments of R.61-69 will correct for errors, codify, add previously unlisted waters and/or sections of waters, and other minor changes to improve the overall quality of the regulation.

Legal Authority: 1976 Code Sections 48-1-40, 48-1-60, and 48-1-80, implementing the CWA.

Plan for Implementation: The amendments would be incorporated within R.61-68 and R.61-69 upon approval of the Board of Health and Environmental Control, the General Assembly, and publication in the State Register. The amendments will be implemented in the same manner in which the present regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

The amendments of R.61-68 are required to comply with Federal requirements of Section 303(c)(2)(B) of the CWA. The amendments of R.61-69 are necessary to provide the public with a version of the existing regulation that is accurate. The amendments of R.61-68 and R.61-69 include the following:

Replace fecal coliform with E. coli as the bacterial indicator species for protection of recreational uses in all freshwaters of the State.

The amendments of R.61-68 relating to criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State.

Clarification of how the bacterial indicator species will be used in Department activities.

The change from fecal coliform to E. coli necessitates that specific language be revised to accurately describe how each of the bacterial indicator species (E. coli, Enterococci, fecal coliform) are used in Department activities. The reason for the inclusion of all indicators was to ensure consistency across the State in implementing each of the bacterial indicator species through our activities such as, permitting and assessment, while maintaining and protecting all existing and classified uses.

Stylistic changes were made to correct for: readability, grammar, punctuation, typography, codification, references, formatting, and language style.

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The changes in R.61-68 include new definitions for text contained in the current regulation. This will improve the clarity and readability of the regulation. The changes in R.61-68 also include corrections due to typographic errors, codification, formatting, grammar and punctuation.

The changes in R.61-69 include corrections for errors found in the text of the regulation. Text was added to ensure that the regulation was consistent with language found in other State regulations. No reclassification of any waterbody or section of waterbody occurred, but rather the language was amended to ensure that the correct classifications were applied to the correct sections and portions of waters of the State. Some waters previously unlisted in R.61-69 were added and sections of waterbodies were also added to ensure that the text of the regulation accurately describes the actual waters of the State. As noted for R.61-68, amendments include stylistic changes to correct for: readability, grammar, punctuation, typographic errors, codification and formatting.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments of the regulations. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the amendments of R.61-68, the Department evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the revisions by issue after determining those of greatest potential impact. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not significant in that the existing standards would have incurred similar cost or the fact that the design standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

In reviewing the potential for significant economic impact of the amendments of R.61-69, the Department found no costs would be incurred by the regulated community.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments of R.61-68 will promote and protect human health by the regulation of pollutants into waters of the State. Further, the amendments of R.61-69 will provide the public and regulated community a correct text of an existing regulation.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of the citizens of South Carolina. Failure by the Department to correct erroneous listings of information of specific waters of the State in R.61-69 will lead to confusion in understanding the correct location, classification, or site-specific standards of specific waters of the State.

Statement of Rationale:

The statement of rationale is submitted pursuant to 1976 Code Section 1-23-120(B)(7).

The first issue contained in the amendments of R.61-68 is a requirement of the CWA and is necessary for compliance with EPA's recommendations for water quality standards to ensure consistency with the CWA. To do so, the Department has adopted E.coli to replace fecal coliform for the protection of recreational uses in freshwaters. The second issue addresses where the Department needs to explain how the different bacterial indicator species will be used in its activities and still maintain and protect all of the uses of the waters of the State. The remaining issue for both R.61-68 and R.61-69 are revisions that make corrections for clarity of the language in the regulations in order to maintain regulations that are efficient, readable, and accurate.

Document No. 4270
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES
 CHAPTER 71

Statutory Authority: 1976 Code Sections 41-16-40, 41-16-70, 41-18-70, 41-18-80, and 41-18-120

71-4800. Qualifications of Approved Special Inspectors.

71-5400. Qualification of Special Inspectors.

Synopsis:

The South Carolina Office of Elevators and Amusement Rides Safety amends Regulations 71-4800 and 71-5400 to require special inspectors to make reports on forms prescribed by the Department.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 71 are modified as provided below. All other items and sections remain unchanged.

Text:

71-4800. Qualifications of Approved Special Inspectors.

1. A special inspector shall have the following qualifications:

A.(1) At least five (5) years experience in amusement device maintenance and safety and completion of approved courses in materials inspection and testing and in fasteners or in the alternative.

(2) A four-year college degree in engineering or architecture with a minimum of twelve (12) semester hours of course work in the area of mechanics and strength of materials.

B. Evidence of successful completion of an approved Rides Safety Inspection course within the previous two (2) calendar years.

2. Each applicant for approval as a special inspector shall submit with his annual application evidence of insurance against errors and omissions (or approved general liability insurance) covering inspections of amusement rides and devices in an amount of no less than \$500,000 per occurrence, procured from one or more insurers licensed to transact insurance in South Carolina or approved as a non-admitted surplus lines carrier for risks located in this State. Each policy, by its original terms or an endorsement, shall obligate the insurer that it will not cancel, suspend, or nonrenew the policy without thirty (30) days written notice of the proposed cancellation, suspension, or nonrenewal and a complete report of the reasons for the cancellation, suspension, or nonrenewal being given to the Director of the Department of Labor, Licensing and Regulation.

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In the event the liability insurance is cancelled, suspended or nonrenewed, the insurer shall give immediate notice to the Director.

3. Each applicant for approval as a special inspector shall submit with his annual application a license fee in the amount of \$200.00.

4. Applications for approval as a special inspector shall be made annually on a form to be provided by the Commissioner.

5. No special inspector shall use or disclose information gained in the course of or by reason of his official position for any purpose other than making official inspections. Any special inspector who receives compensation to influence his inspections may have his license revoked.

6. Special inspectors shall conduct all follow up, safety related complaint inspections, and abatement inspections as called for by the division and shall be responsible for submitting all associated paperwork.

7. Special inspectors shall record and report the findings of all inspections conducted pursuant to S.C. Code 41-18-10 et seq. on forms supplied by the Department. Special inspectors shall execute and convey the form in a manner prescribed by the Department. The Director may suspend or revoke a special inspector's license for failure to complete the inspection form as prescribed by the Department. The Director may also suspend or revoke a special inspector's license for any misrepresentation or omission of any material fact related to the inspection. In addition to the foregoing, the director may withhold issuance of an Operating Certificate for failure to complete the inspection form as prescribed by the Department or misrepresentation or omission of any material fact related to the inspection.

71-5400. Qualification of Special Inspectors.

1. Any applicant for a license as a special inspector shall present evidence of all qualifications as stated in the 1984 edition of QEI-1, The American National Standard for Qualification of Elevator Inspectors, and supplements thereto as adopted by the American National Standards Institute. Submission of a copy of a valid Inspector's Certificate issued by any authority accredited by the American Society of Mechanical Engineers shall be evidence that the applicant has all required qualifications.

2. Each applicant for approval as a special inspector shall submit with his annual application evidence of insurance against errors and omissions (or approved general liability insurance) covering inspections of elevators in an amount of no less than \$500,000 per occurrence, procured from one or more insurers licensed to transact insurance in South Carolina or approved as a non-admitted surplus lines carrier for risks located in this State. Each policy, by its original terms or an endorsement, shall obligate the insurer that it will not cancel, suspend, or nonrenew the policy without thirty (30) days written notice of the proposed cancellation, suspension, or nonrenewal and a complete report of the reasons for the cancellation, suspension, or nonrenewal being given to the Commissioner. In the event the liability insurance is cancelled, suspended or nonrenewed, the insurer shall give immediate notice to the Commissioner.

3. No special inspector shall use or disclose information gained in the course of or by reason of his official position for any purpose other than making official inspections. Any special inspector who receives compensation to influence his inspections may have his license revoked.

4. Special inspectors shall conduct all follow-up, safety related complaints, and abatement inspections as called for by the division and shall be responsible for submitting all associated paperwork.

5. Special Inspectors shall record and report the findings of all inspections conducted pursuant to S.C. Code 41-16-10 et seq. on forms supplied by the Department. Special inspectors shall execute and convey the form in a manner prescribed by the Department. The Director may suspend or revoke a special inspector's license for failure to complete the inspection form as prescribed by the Department. The Director may also suspend or revoke a special inspector's license for any misrepresentation or omission of any material fact related to the inspection. In addition to the foregoing, the Director may withhold issuance of an Operating Certificate for failure to complete the inspection form as prescribed by the Department or misrepresentation or omission of any material fact related to the inspection.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated to require special inspectors to make reports on forms prescribed by the Department.

Document No. 4238
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR
 CHAPTER 71
 Statutory Authority: 1976 Code Section 40-82-70

71-8304.3. Licensing and Permitting Fees.

71-8304.4. Licensing Requirements.

Synopsis:

To satisfy the requirements of licensure, Regulations 71-8304.3 and 71-8304.4 are updated in conformance with the current LP Gas Board Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 71 are modified as provided below. All other items and sections remain unchanged.

Text:

71-8304.3. Licensing and Permitting Fees.

A. The South Carolina Department of Labor, Licensing and Regulation is responsible for all administrative activities of the licensing program. The South Carolina Department of Labor, Licensing and Regulation shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40-1-50(D).

B. Fees shall be established for the following:

1. Application
2. Testing
3. Permitting
4. Licensing
5. Inspection
6. Renewal

C. All fees are due at time of application for licenses, testing, permits, inspection, or renewal.

D. All fees paid to the South Carolina Department of Labor, Licensing and Regulation are nonrefundable.

71-8304.4. Licensing Requirements.

A. Licenses

1. Each company shall possess a license issued by the South Carolina Department of Labor, Licensing and Regulation.

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2. Licenses shall be displayed in a conspicuous location at the place of business for the LP Gas Dealer, Installer, Gas Plant, Wholesaler, Reseller, or Cylinder Exchange operator.

B. Permits

1. Each site shall have a designated person that has a permit issued by the Office of State Fire Marshal to supervise people handling, dispensing, installing, transporting, repairing, or exchanging LP Gas.

2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least thirty (30) days before reapplying.

3. Permits shall bear the name, photograph, and any other identifying information deemed necessary by the South Carolina Department of Labor, Licensing and Regulation.

4. Permit holders shall have their permit in their possession when supervising the handling, dispensing, installing, manufacturing, transporting, repairing, or exchanging LP Gas.

5. Permit holders shall exhibit their permits on request of any AHJ.

6. Each permit is valid for a period of two (2) years and must be renewed before it expires.

7. Permits are not transferable.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current LP Gas Practice Act.

Document No. 4240
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOIL CLASSIFIERS ADVISORY COUNCIL
CHAPTER 116
Statutory Authority: 1976 Code Section 40-65-10

Synopsis:

To satisfy the requirements of licensure for soil classifiers, Regulations 116-1 through 116-10 be repealed.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following Chapter 116 is repealed as provided below.

Text:

116-1 through 116-10. Repealed.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are repealed in conformance with the current Soil Classifiers Practice Act.

Document No. 4186
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOIL CLASSIFIERS ADVISORY COUNCIL
 CHAPTER 108
 Statutory Authority: 1976 Code Section 40-65-60

108-1 through 108-8. Soil Classifiers

Synopsis:

The South Carolina Soil Classifiers Advisory Council proposes to draft regulations to conform to changes in S.C. Code Section 40-65-10 et seq., Act No. 249, effective June 11, 2010.

A Notice of Drafting was published in the *State Register* on September 24, 2010.

Instructions:

- Add Regulation 108-1. (Definitions) as printed below.
- Add Regulation 108-2. (Licensure) as printed below.
- Add Regulation 108-3. (Seals) as printed below.
- Add Regulation 108-4. (License Expiration, Renewal, and Reinstatement) as printed below.
- Add Regulation 108-5. (Continuing Education) as printed below.
- Add Regulation 108-6. (Examinations) as printed below.
- Add Regulation 108-7. (Fees) as printed below.
- Add Regulation 108-8. (Code of Ethics) as printed below.

Text:

108-1. Definitions.

1. "CE Hour" means continuing education hour, to equal fifty (50) minutes of instruction time.
2. "CSSE" means the Council of Soil Science Examiners. This organization writes the Fundamentals of Soil Science exam and the Professional Practice of Soil Science exam.
3. "NSCSS" means the National Society of Consulting Soil Scientists, Inc.
4. "Seals" means rubber stamps, rubber seals, impression seals, or digital seals.
5. "SSSA" means the Soil Science Society of America.
6. "SSSSC" means the Soil Science Society of SC.

108-2. Licensure.

A. Applications for Certification as a Soil Classifier In-Training

1. The application must be submitted on forms approved by the Department and must document education and examination as set out below.
2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.
3. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.
4. Successful completion of the Fundamentals of Soil Science Exam must be documented by SSSA.

B. Applications for Professional Soil Classifier

1. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.

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2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.

3. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current mailing addresses of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the council may consider additional evidence of experience.

4. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

5. Successful completion of the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam must be documented by SSSA.

6. Applicants for licensure by comity are required to provide verification of licensure by examination by a jurisdiction which has requirements that are substantially equivalent to those in this state at the time of initial licensure.

C. The council shall make determinations concerning the education, experience, methods of practice, and current professional ability of applicants.

1. "Approved Curriculum" means a degree in any of the agricultural, biological, earth or physical sciences, with at least thirty (30) semester hours or forty-five (45) quarter hours in these sciences and at least fifteen (15) semester hours or twenty-two (22) quarter hours in approved soil science courses from an accredited college or university.

2. "Approved Courses" means courses that have a significant aspect of soil science as their main topic of instruction. Examples include soil taxonomy, soil classification, soil interpretation, soil physics, soil chemistry, soil genesis, soil morphology, soil mineralogy, soil biology, soil fertility and wetlands soils. Special projects, seminars, and other courses will be considered on a case-by-case basis by the council.

D. Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

E. The applicant will receive notification of a final determination by the council concerning the approval or disapproval of an application.

F. The effective date of licensure or certification for a successful applicant shall be the date on which the license is issued.

108-3. Seals.

A. A professional soil classifier shall not affix, or permit to be affixed, his/her name or seal to any document which was not prepared by him/her or under his/her direct supervision. No licensee shall affix his/her seal to any document unless the licensee has assumed the responsibility for the accuracy of the contract documents involved.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and two (2) inches in diameter;

2. Concentric with the outside of the seal there shall be a circle one and one-half (1½) inches in diameter;

3. In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "Licensed Soil Classifier" on the bottom.

4. The name and license number of only one (1) individual shall be placed within the inner circle.

C. Professional soil classifiers licensed before July 1, 2012 may continue to use the previous seal design approved by the council.

108-4. License Expiration, Renewal, and Reinstatement.

A. Licenses issued to individuals expire biennially. The expiration date is noted on the license. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall become invalid unless renewed.

B. Lapsed licenses may be reinstated by the council within three years from the date the license lapsed upon demonstration of qualification, payment of the reinstatement fee, and completion of required continuing

education hours. After three years from the date the license lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

108-5. Continuing Education.

A. Basic Requirements

1. Each soil classifier shall have completed thirty (30) continuing education hours of acceptable continuing education requirements during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal. Effective January 31, 2013, completion of six (6) hours will be required for license renewal; this includes a minimum of one (1) continuing education hour in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations. Effective January 31, 2015, and thereafter, completion of thirty (30) hours will be required for license renewal.

2. All continuing education hours shall be earned by completing structured educational activities that directly address the health, safety, and welfare issues of the public as related to the practice of soil classifying. A minimum of one (1) continuing education hour must be in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations.

3. Self directed study may count toward a maximum of ten (10) continuing education hours.

4. If a licensee exceeds the total continuing education requirement in any renewal period, the licensee may carry a maximum of fifteen (15) continuing education hours forward into the next renewal period.

B. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements provided for in this section rests with the licensee and the licensee must retain for a period of four (4) years the evidence to support fulfillment of the requirements.

a. Such evidence shall include evidence of completion of each course or program, a description of the contents of each course or program, and verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion; or

b. a copy of fulfillment of SSSA requirements for continuing education under the Soils Certifying Board.

2. Each licensee shall submit, on a form provided by the council, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The council may disallow claimed credit for continuing education hours. The licensee shall have one hundred eighty (180) calendar days after notification of disallowance of credit to substantiate the original claimed credit or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

5. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Soil Classifiers Licensure Law.

C. Approved Programs

1. Activities and field days organized or sponsored by SSSA, NSCSS, SSSSC or similar organizations acceptable to the board qualify to fulfill the continuing education requirement.

2. The following types of activities are acceptable:

a. Attendance at technical presentations or workshops on soil classifying subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars and are related to materials use and function;

b. Self directed study may include:

i. Webinars on practice related topics.

ii. Public service activities that draw upon the soil classifier's expertise.

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iii. Articles or other study materials that the soil classifier has not previously utilized for self directed study.

iv. Hours spent in soil classifying self directed study programs such as those organized or sponsored by SSSA, NSCSS, SSSSC, or similar organizations acceptable to the council.

c. Teaching soil classifying courses or seminars:

i. A maximum of one (1) CE credit may be claimed per class hour spent teaching soil classifying courses or seminars.

ii. Licensees may not claim credit for teaching the same course or seminar more than once. Teaching credit does not apply to full-time faculty.

iii. Each semester hour of credit from a college or university shall be deemed to be fifteen (15) hours and each quarter hour of credit shall be deemed to be ten (10) hours. University and college courses offered in a degree program are permitted so long as the course is not taken to meet the education requirements for licensure as a professional soil classifier.

D. Exemptions

1. Continuing education requirements may be waived for the following reasons:

a. New licensees shall be exempt for their first renewal period, not to exceed two (2) years.

b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the council may be exempt. Supporting documentation must be furnished with any such exemption request made to the council.

108-6. Examinations.

A. The examination for a professional soil classifier shall be the Fundamentals of Soil Science Exam and Professional Practice of Soil Science Exam, written by CSSE.

B. An applicant for soil classifier in-training shall be required to pass the Fundamentals of Soil Science Exam, written by CSSE.

C. An applicant for professional soil classifier shall be required to pass the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam, written by CSSE.

D. Applications for examination shall be made to SSSA.

108-7. Fees.

The Department shall prescribe reasonable fees in the following categories:

(1) Initial Application Fee	\$25.00
(2) Licensure Fee--Professional Soil Classifier	\$200.00
(3) Licensure Fee--Soil Classifier-in-Training	\$25.00
(4) Biennial License Fee--Certificate of Licensure	\$200.00
(5) Late Payment Penalty Fee	\$40.00
(6) Reinstatement Fee	\$250.00
(7) Examination Fee	Established by and paid to SSSA

108-8. Code of Ethics.

A. Relation of Professional to the Public

1. A licensee shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.

2. A licensee shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired, and the degree of completeness of information upon which the opinion is based should be made clear.

3. A licensee shall not issue a false statement or false information even though directed to do so by employer or client.

B. Relation of Professional to Employer and Client

1. A licensee shall protect, to the fullest extent possible, the interest of his/her employer or client insofar as such interest is consistent with the law and professional obligations and ethics.

2. A licensee who finds that obligations to their employer or client conflict with their professional obligation or ethics should work to have such objectionable conditions corrected.

3. A licensee shall not use, directly or indirectly, an employer's or client's information in any way that would violate the confidence of the employer or client.

4. A licensee retained by one client shall not accept, without the client's written consent, an engagement by another if the interests of the two are in any manner conflicting.

5. A licensee who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted or until it is clear that there can no longer be a conflict of interest with the original employer or client.

6. A licensee shall not divulge information given in confidence.

7. A licensee shall engage, or advise employer or client to engage, and cooperate with other experts and specialists.

8. A licensee protects the interests of a client by recommending only products and services that are in the best interest of the client and public.

9. A licensee protects his/her credibility by disclosing to clients how he/she will be compensated for providing recommendations to the client.

C. Relation of Professionals to Each Other

1. A licensee shall not falsely or maliciously attempt to injure the reputation of another.

2. A licensee shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications and shall not knowingly accept credit rightfully due another person.

3. A licensee shall not use the advantage of public employment (i.e., university, government) to compete unfairly with other licensed or certified professions.

4. A licensee shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

D. Duty to the Profession

1. A licensee shall aid in exclusion from licensure those who have not followed this Code of Ethics or who do not have the required education and experience.

2. A licensee shall uphold this Code of Ethics by precept and example and encourage, by counsel and advice, other licensees to do the same.

3. A licensee having positive knowledge of deviation from this Code by another licensee shall bring such deviation to the attention of the council.

E. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.

Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Rationale:

These regulations are updated in conformance with the current Soil Classifiers Advisory Council Practice Act.

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Document No. 4241
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
CHAPTER 74
Statutory Authority: 1976 Code Section 40-28-80

Synopsis:

To satisfy the requirements of licensure for landscape architects, Regulations 74-1 through 74-12 are repealed.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following Chapter 74 is repealed as provided below.

Text:

74-1 through 74-12. Repealed.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are repealed in conformance with the current Landscape Architects Practice Act.

Document No. 4242
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40-35-136, 40-35-230

93-50. General Definitions.
93-65. Operating a Facility Without a License.
93-110. Examination; Scheduling and Grading.
93-210. Reinstatement of Lapsed License.

Synopsis:

To satisfy the requirements of licensure for long term health care administrators, Regulations 93-50, 93-65, 93-110, and 93-210 are updated in conformance with the current Long Term Health Care Administrators Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 93 are modified as provided below. All other items and sections remain unchanged.

Text:

93-50. General Definitions.

Whenever used in these regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

A. "Accredited college or university" means a college or university whose accreditation is recognized by the Council on Higher Education Accreditation (CHEA) and the United States Department of Education.

B "Applicant" means a person who submits all materials necessary for evaluation of credentials including an application form, references, college or university transcripts, fees, and if applicable, a request for a provisional license.

C. "Board" means the South Carolina State Board of Long Term Health Care Administrators.

D. "Community residential care facility" means any facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities promulgated by the South Carolina Department of Health and Environmental Control, whether proprietary or nonprofit.

E. "Community residential care facility administrator" means a person who has attained the required education and experience, is otherwise qualified, has been issued a license by the Board and is eligible to administer, manage, supervise, or be in administrative charge of a community residential care facility.

F. "Continuing education credit" is defined as one contact hour of a planned program of teaching-learning that has been approved by an organization empowered by the Board to award credit for continuing education.

G. "Dual licensee" means a person who holds a license as a nursing home administrator and a community residential care facility administrator.

H. "Habilitation center for persons with intellectual disabilities or persons with related conditions" means a facility which is licensed by the Department of Health and Environmental Control that serves four or more persons with intellectual disabilities or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.

I. "Inactive license" means a license issued to an administrator who is not working as an administrator in a nursing home or as an administrator in a community residential care facility.

J. "Licensee" means an approved applicant who has passed the examination, as prescribed by the Board, has paid all the fees, and has been issued a current license by the Board.

K. "Nursing home" means any institution or facility defined as such for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the South Carolina Department of Health and Environmental Control, whether proprietary or nonprofit, including, but not limited to, nursing homes owned or administered by the State or political subdivision thereof. The definition does not include habilitation centers for the persons with intellectual disabilities or persons with related conditions.

L. "Nursing home administrator" means a person who has attained the requisite education and experience, is otherwise qualified, and has been issued a license by the Board and is eligible to administer, manage, supervise, or be in administrative charge of a nursing home.

M. "Person" means an individual and does not include the following: a firm, a corporation, an association, a partnership, or any other group of individuals.

N. "Practical experience in nursing home administration" means full time employment (minimum of 36 hours per week) under the on-site supervision of a licensed Nursing Home Administrator in a state licensed nursing home. The number of years of experience required is dependent on educational preparation as delineated in 93-70. The beginning administrator or intern shall be responsible and accountable for a minimum of six months, by providing supervision in at least two of the three following areas:

1. Business and fiscal management;
2. A direct patient-care service, such as nursing, physical, occupational, or speech therapy, chaplaincy, social work, activities;
3. A supporting service, such as dietary, maintenance, engineering, laundry, environmental services, or pharmacy.

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O. "Practice of nursing home administration" means the managing, supervising or general administration of a nursing home.

P. "Practice of community residential care facility administration" means the managing, supervising or general administration of a community residential care facility.

Q. "Provisional license" means a temporary license that is issued when substantiated by need when an applicant who meets examination qualifications has been appointed the administrator of a nursing home or a community residential care facility which is without a licensed administrator in charge.

R. "Qualified intellectual disability professional" means a person who, by training and experience, meets the requirements of applicable federal law and regulations for a qualified intellectual disability professional, as determined by the South Carolina Department of Disabilities and Special Needs.

S. "Related health care administration" means the administration of a facility that provides direct nursing care on a twenty-four hour basis to persons who require health services because of illness, age, or chronic disability. Administration of a Retirement/Residential Care Facility is not accepted as related health care administration.

T. "Administrator-in-Training (AIT)" is a person participating in a Board approved training program within a nursing home or a community residential care facility under the supervision of a Board approved preceptor.

U. "Preceptor" is a person who is a licensed nursing home administrator or a licensed community residential care facility administrator and meets the requirements of the Board to supervise an administrator-in-training during the training period as delineated in 93-80.

93-65. Operating a Facility Without a License.

A. No nursing home or community residential care facility within the State may operate except under the supervision of a licensed administrator.

B. Violation of the following standards will be considered an unprofessional act that is likely to harm the public.

(1) For combinations of Community Residential Care Facilities and/or other licensed facilities, having the same licensee, on one property, regardless of the number of beds, one full-time licensed administrator must be on site or available during normal business hours.

(2) For one Community Residential Care Facility with more than ten beds on one property, there must be a full-time licensed administrator on site or available during normal business hours.

(3) For one Community Residential Care Facility with ten beds or fewer on one property, there must be an administrator who is on site a minimum of twenty hours per week with time spent in the facility during normal business hours, equitably distributed daily.

(4) When a combination situation exists that does not comply with item (1) above, a second facility must be ten or fewer beds and be within the same five number zip code or no further than a twenty mile radius of the combination site, and the work hours of the administrator must be equitably distributed daily during normal business hours.

93-110. Examination; Scheduling and Grading.

A. Examinations are available year round through computer-based testing.

B. The Board shall administer the examinations.

(1) Nursing home administrator applicants will sit for a two-part examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board and examines applicants on regulations promulgated by the Department of Health and Environmental Control as they relate to Nursing Homes.

(2) Community Residential Care Facility Administrator applicants will sit for a two-part examination. The national portion is prepared by the National Association of the Boards of Examiners for Long Term Care Administrators (NAB). The South Carolina portion is prepared by the South Carolina Board relating to regulations promulgated by the Department of Health and Environmental Control as they relate to Community Residential Care Facilities.

C. The content, form, and character of the examination shall be the same for all applicants on any one examination.

D. The grade standards shall be provided to each applicant before he takes the examination.

E. Every nursing home applicant for licensure shall be required to pass the NAB examination. In addition, each applicant must pass a State examination approved by the board at a raw score of seventy-five (75%) percent.

F. Every community residential care facility applicant shall be required to pass the NAB examination. In addition, the applicant must pass a State examination approved by the board with a raw score of seventy-five (75%) percent.

G. The Board shall provide to each applicant who completes an examination a report of their examination scores. Applicants shall be notified of the results of each examination by mail only.

H. The Board shall not disclose the grade levels achieved by an applicant to anyone outside the Board except upon written authorization of the applicant.

I. A nursing home applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re-examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

J. A community residential care facility applicant who is sitting for the first time for both the national and South Carolina portions of the examination and who receives a passing score in either portion shall be entitled to receive credit for the portion passed and to be re-examined during the next scheduled examination only on the portion not passed. Credit for passing either portion of the examination may be extended upon the approval of the Board.

K. An applicant who fails to pass the examination may apply to re-take the examination once. An applicant who has failed the examination twice must petition the Board if he desires to pursue licensure.

93-210. Reinstatement of Lapsed License.

A. An administrator previously duly licensed in this State whose license shall not have been revoked or suspended but whose license has lapsed for failure to renew on or before the expiration date of his license may seek to reinstate the license within a one-year period after the expiration date by submitting an application with the annual renewal fee and a penalty fee as listed on Attachment A for reinstating the lapsed license, provided that the continuing education requirements in 93-200 are met.

B. If the lapsed license period is more than one year, the individual shall meet the requirements in 93-70.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Long Term Health Care Administrators Practice Act.

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Document No. 4271
BOARD OF MEDICAL EXAMINERS
CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80

81-300. Fees.

Synopsis:

To establish fees in regulation, Regulation 81-300 is added to establish fees in regulation.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 81 is added as provided below.

Text:

81-300. Fees.

(A) Physicians:

- (1) Academic License -- \$150
 - (a) Renewal -- \$150
- (2) Limited License -- \$75 (6 mo.), \$150 (1 year)
 - (a) Renewal -- \$75 (6 mo.), \$150 (1 year)
 - (b) 14 days -- \$75
- (3) Permanent License -- \$580
 - (a) Biennial Renewal -- \$160
 - (b) Reactivation -- \$460
- (4) Special Volunteer Limited License -- no fee
 - (a) Renewal -- no fee
- (5) Temporary License Extension -- \$75

(B) Acupuncture -- \$111

- (1) Biennial Renewal -- \$150

(C) Anesthesiologist's Assistant -- \$300

- (1) Biennial Renewal -- \$300

(D) Physician Assistant -- \$120

- (1) Biennial Renewal -- \$50
- (2) Change of Supervisor -- \$25
- (3) Limited License Application -- \$25
- (4) Limited License Renewal -- \$25
- (5) Prescriptive Authority -- \$40
 - (a) No fee for expanded prescriptive authority, Schedule III-V drugs

(E) Respiratory Care Practitioner

- (1) Application - Permanent License -- \$120
- (2) Biennial Renewal -- Permanent License -- \$80
- (3) Limited License -- \$40
- (4) Limited License Renewal -- \$40
- (5) Update License Application -- \$80
- (6) Reactivation -- Permanent License -- \$160

(F) Other fees

- (1) Verification of License -- \$5

- (2) Wall Certificate – Duplicate -- \$50
- (3) Name change – no fee
- (4) Licensure Listing -- \$10
- (5) Mailing Labels -- \$.08 per name

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is added to establish fees in regulation.

Document No. 4244

BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80

Synopsis:

To satisfy the requirements of licensure for medical professionals, Regulations 81-1 through 81-11, 81-12.5 through 81-20, 81-22, 81-24, 81-26, 81-28, 81-75, 81-95 and 81-206 are repealed; and Regulations 81-12, 81-33, 81-40, 81-70, 81-90, 81-110 are amended in conformance with the current Board of Medical Examiners Practice Act. Regulations 81-21, 81-23, 81-25, 81-27, 81-31 through 81-32, 81-50, 81-60, 81-80, 81-81, 81-91, 81-96, and 81-200 through 81-205 will remain in their entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 81 are modified as provided below. All other items and sections remain unchanged.

Text:

ARTICLE 2

DISCIPLINE OF PHYSICIANS

81-12. Effect of Discipline.

A person who, having voluntarily surrendered his license, registration or certification has been thereafter reinstated in the manner hereinafter provided, or who, having been suspended for an indefinite period, has been thereafter reinstated in the manner hereinafter provided, shall have his license, registration or certification revoked upon being found guilty of subsequent misconduct which would warrant a suspension of at least one year.

Whenever a license, registration or certification is suspended or any other action "short of revocation or suspension" is taken, the Board may require the licensee, registrant or holder of a certificate to give evidence of satisfactory compliance therewith before reinstating his license, registration or certification.

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81-21. Quorum of Board or Hearing Panel.

A majority of the members of the Board or of a hearing panel shall constitute a quorum for all purposes; and the action of a majority of those present comprising such quorum shall be the action of the Board or of such hearing panel.

81-23. Administrator is Agent for Service of Notices on Non-resident Physicians.

Service of any notice provided for in these Regulations upon any non-resident respondent who has been admitted to the practice of medicine or osteopathy, or upon any resident respondent who, having been so admitted, subsequently becomes a non-resident or cannot be found at his usual abode or place of business in this State, may be made by leaving with the Administrator a true and attested copy of such notice and any accompanying documents and by sending to the respondent, by registered mail, a like true copy, with an endorsement thereon of the service upon the said Administrator, addressed to such respondent at his last known address. The postmaster's receipt for the payment of such registered postage shall be attached to and made a part of the return of service of such notice. The panel or Board before which there is pending any proceeding in which notice has been given as provided in this section may order such continuance as may be necessary to afford the respondent reasonable opportunity to appear and defend. The Administrator shall keep a record of the day and hour of the service upon him of such notice and any accompanying documents.

81-25. Docket of Complaints.

The Administrator of the Board shall keep a docket of each complaint and of all proceedings thereon, and the same shall be retained permanently as a part of the records of the Board.

81-27. Final Orders of the Board.

Final orders of the Board in any disciplinary proceeding shall be issued upon approval of the Board as provided in Section 40-47-117. All final orders shall be kept on file in the Board's office, but only final orders not designated as private reprimands or dismissals, shall be public. All final orders, except those orders designated as private reprimands or dismissals shall be promptly filed with the Federation of State Boards of Medical Examiners, and the Board through its Administrator shall cause to be published in South Carolina a biannual summary of its disciplinary actions. All final orders of the Board, except those designated as private reprimands or dismissals, shall be served upon the County Medical Society of the respondent, all South Carolina hospitals in which the respondent enjoys staff privileges and upon the President and Executive Director of the South Carolina Medical Association.

Final orders of the Board which are designated as private reprimands as provided for in Section 40-47-117, Code of Laws of South Carolina, 1976, shall be sent by means of registered mail from the President or Vice-President of the Board to the respondent. Any such letters or final orders of the Board so designated shall be entered as a part of the Board's final report and shall be treated as a part of the disciplinary proceedings and therefore private and not subject to public disclosure .

ARTICLE 3

REINSTATEMENT OF PHYSICIANS

81-31. Contents of Petition for Reinstatement.

Subject to the foregoing restrictions, any person who has been indefinitely suspended from the practice of medicine or osteopathy and who wishes to be reinstated may file with the Administrator his verified petition, and thirteen (13) copies thereof, setting forth:

(a) the date when indefinite suspension was ordered and, if there was a reported opinion concerning the same, the volume and page of the official reports of the court where such opinion appears;

- (b) the dates upon which any prior petitions for reinstatement were filed, denied or granted;
- (c) the name of the county in which he resides at the time of the filing of the petition, and of each county in which he proposes to maintain an office if reinstated; and
- (d) the facts upon which he relies to establish by clear and convincing proof that he has rehabilitated himself.

81-32. Action by Board.

The Board shall, with all convenient dispatch, proceed to hold a hearing or hearings, take evidence concerning the petitioner's character and his claim of rehabilitation and make findings of fact and a decision. Reasonable notice of all such hearings before the Board shall be given to the petitioner or his counsel and to the President of the local medical association or associations in the county or counties in which the petitioner resides and in which he proposes to maintain an office in the event of his reinstatement. Such hearings may, in the discretion of the Board, be public and shall be public if the petitioner so requests in writing. Any interested person, any physician and any member of the local medical association or associations may appear before the Board in support of, or in opposition to, the petition.

81-33. Board's Report to be Filed; Procedure Thereupon.

The report of the Board and six (6) copies of the Board's findings of fact and recommendations shall be filed in the office of the Administrator, who shall thereupon notify the petitioner or his counsel and the Office of General Counsel of such filing and shall with such notice enclose a copy of the Board's findings of fact and decisions. If the Board denies the petition, the petitioner shall have the right of judicial review.

ARTICLE 4

DISCIPLINE AT THE INITIATIVE OF BOARD OR COMMISSION MEMBERS

81-40. Investigation at Instance of Board or Commission Members; Procedure Thereunder.

Whenever any Board or Commission member learns from sources deemed by him to be reliable that a physician licensed to practice medicine or osteopathy in this State is engaging in practices in violation of his duty or in violation of applicable ethical standards, and the member concludes that an investigation should be made, he shall designate the Administrator in writing to have an investigation made. The Administrator shall cause an investigation to be made and for this purpose he may call upon the services of any State agency. Following the investigation, a report should be made to the Board for its determination as to whether or not a formal complaint shall be forwarded to a designated panel for a hearing.

ARTICLE 5

CONSTRUCTION OF DISCIPLINE REGULATIONS

81-50. Regulation to be Liberally Construed.

The process and procedure under Articles 1 through 4 shall be as summary as reasonably may be. Amendments to any complaint, notice, answer, objection, return, report or order may be made at any time prior to final order of the Board. Any party affected by such amendment shall be given reasonable opportunity to meet any new matter presented thereby. No investigation or procedure shall be held to be invalid by reason of any non-prejudicial irregularity or for any error not resulting in a miscarriage of justice. Articles 1 through 4 shall be liberally construed for the protection of the public and the medical profession and shall apply to all pending complaints, investigations and petitions whether the conduct involved occurred prior or subsequent to the effective date of Articles 1 through 4. To the extent that application of Articles 1 through 4 to such pending

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proceedings may not be practicable, the procedure in force at the time Articles 1 through 4 became effective shall continue to apply.

Every communication, whether oral or written, made by or on behalf of any complainant to the Board or any hearing panel or member thereof pursuant to Articles 1 through 4, whether by way of complaint or testimony, shall be privileged; and no action or proceeding, civil or criminal, shall lie against any such person, firm or corporation by or on whose behalf such communication shall have been made by reason thereof.

ARTICLE 6

PRINCIPLES OF MEDICAL ETHICS

81-60. Principles of Medical Ethics.

A. A physician shall be dedicated to providing competent medical service with compassion and respect for human dignity.

B. A physician shall deal honestly with patients and colleagues, and strive to expose those physicians deficient in character or competence, or who engage in fraud or deception.

C. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.

D. A physician shall respect the rights of patients, of colleagues, and of other health professionals, and shall safeguard patient confidence within the constraints of the law.

E. A physician shall continue to study, apply and advance scientific knowledge, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.

F. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical services.

G. A physician shall recognize a responsibility to participate in activities contributing to an improved community.

ARTICLE 7

REQUIREMENTS FOR LIMITED LICENSE

81-70. Requirements for Limited License.

A. Applicants who practice before they are approved are subject to a late fee of \$25 and charges of violation of the Medical Practice Laws and Regulations.

B. The fee for each Limited License is \$150.

ARTICLE 8

REQUIREMENTS FOR THE WRITTEN EXAMINATION (FLEX)

81-80. Requirements to Take Step 3 of the United States Medical Licensing Examination.

The State Board of Medical Examiners of South Carolina shall administer Step 3 of the United States Medical Licensing Examination (USMLE). Applicants wishing to take Step 3 of the USMLE must satisfy the following requirements.

A. Educational Requirements:

(1) Graduation from medical school located in the United States, its territories or possessions, or Canada which is accredited by the Liaison Committee on Medical Education or other accrediting body approved by the Board, or

(2) Graduation from a school of osteopathic medicine located in the United States, its territories or possessions, or Canada accredited by the American Osteopathic Association or other accredited body approved by the Board, or

(3) Graduation from a medical school located outside the United States or Canada.

(a) Graduates of medical schools located outside of the United States of Canada must possess a Standard Certificate from the Education Commission for Foreign Medical Graduates (ECFMG), or

(b) Document successful completion of a Fifth Pathway program and be currently Board certified by a Specialty Board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

B. Prior Examination Requirements:

(1) To be eligible to take Step 3 of the USMLE, an applicant must document successful completion of Step 1 and Step 2 of the USMLE, (A score of 75 or better shall be considered a passing score on each Step), or

(2) Document successful completion of the combination of the examinations of the National Board of Medical Examiners, Federation Licensing Examination (FLEX) and USMLE acceptable to the Composite Committee of the USMLE and approved by the Board.

C. Other Requirements:

(1) To be eligible to take Step 3 of the USMLE in South Carolina, an applicant must

- (a) possess a current South Carolina license, or
- (b) document acceptance into a post-graduate residency training program in South Carolina, or
- (c) document satisfaction of all other requirements for permanent license but for successful completion of Step 3 of the USMLE.

(2) To be eligible to take Step 3 of the USMLE, an applicant must file a completed application for Step 3, with the required fee, prior to the application deadline established by the Board. The non-refundable fee for Step 3 of the USMLE shall not exceed \$600.

(3) A score of 75 or better shall be considered a passing score on Step 3.

(4) In order to be eligible to apply for permanent licensure, an applicant must complete all steps of the USMLE within seven years.

81-81. Oral and/or Written Examinations for Graduates of Medical Schools Located Outside the United States or Canada.

All applicants for licensure graduating from medical schools located outside the United States or Canada must satisfactorily complete oral and/or written examinations (in addition to the current ECFMG, FLEX, and/or National Board Examinations) as required by this Board. This requirement is necessary to ensure that the applicant is familiar with United States medical practices, procedures and policies. A completed application must be returned to this Board at least ninety (90) days prior to the date of the oral and/or written examinations. Any expense of the oral and/or written examinations shall be borne by the applicant.

This requirement is in addition to those licensure requirements set forth in Regulations 81-80 and 81-90 of the State Board of Medical Examiners.

ARTICLE 9

REQUIREMENTS FOR LICENSE BY ENDORSEMENT

81-90. Requirements For Permanent License.

A. The non-refundable application fee for a permanent license shall not exceed \$580.00.

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ARTICLE 9.5

ELECTION PROCEDURES

81-91. Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission.

Notice of the election of Board Members shall be mailed to each physician possessing a permanent license and eligible to vote, according to records of the Board. Physicians wishing to offer their candidacy for the Board must submit a written petition signed by not less than fifty (50) physicians possessing a permanent license and eligible to vote in the particular election contest which the petitioner seeks to enter; provided however, this provision does not apply to the election for the doctor of osteopathy at-large. All signatures must be on petitions provided by the Board; physicians eligible to vote in the election may sign the petition of more than one candidate. Petitions must be received by the Board within thirty-five days of the date of the notice announcing the election. Any person submitting the required number of petition signatures may subsequently withdraw his name upon written notice to the Board. If only one candidate receives the required number of petition signatures, he shall be declared the winner in that particular contest, and certified as nominee to the Governor. If more than one candidate submits the required number of petition signatures, ballots shall be prepared with the names of the candidates in alphabetical order. Ballots and return envelopes shall be mailed to every physician possessing a permanent license and qualified to vote in that particular election. The candidate receiving a majority of the ballots received by the Board in the allotted time period shall be certified as nominee to the Governor. If no candidate receives a majority of the votes cast, a run-off election involving the two candidates receiving the most votes will be held. Voters shall be allowed fifteen days to return their ballots to the Board.

Notice of the election of the Medical Disciplinary Commission Members shall be mailed to each physician possessing a permanent license and eligible to vote, according to records of the Board. Physicians wishing to offer their candidacy for the Commission shall submit a written petition signed by not less than twenty-five (25) physicians possessing a permanent license and eligible to vote in that particular congressional district. All signatures must be on petitions provided by the Board; physicians eligible to vote in the election may sign the petition of more than one candidate. Petitions must be received by the Board within thirty-five (35) days of the date of the notice announcing the election. Any person receiving the required number of petition signatures may subsequently withdraw his name upon written notice to the Board. If only one physician from a particular congressional district submits the required number of petition signatures, that physician shall be declared the winner. If more than one candidate from a particular congressional district submits the required petition signatures, ballots shall be prepared with the names of the candidates in alphabetical order. Ballots and return envelopes shall be mailed to every physician possessing a permanent license and qualified to vote in the congressional district. The candidate receiving a majority of the ballots received by the Board in the allotted time period shall be declared the winner. If no candidate receives a majority of the votes cast, a run-off election involving the two candidates receiving the most votes shall be held. Voters shall be allowed fifteen days to return their ballots to the Board.

ARTICLE 9.7

OFFICE-BASED SURGERY

81-96. Office Based Surgery.

A. Statement of Intent and Goals

The purpose of this regulation is to promote patient safety in the non-hospital office-based setting during procedures that require the administration of local anesthesia, sedation/analgesia, or general anesthesia, or minor or major conduction block. Moreover, this regulation has been developed to provide physicians performing office-based surgery (including cryosurgery and laser surgery), that requires anesthesia (including tumescent anesthesia), analgesia or sedation, the benefit of uniform professional standards regarding

qualification of practitioners and staff, equipment, facilities and policies and procedures for patient assessment and monitoring. Level I procedures as defined in (B)(13) are excluded from this regulation.

B. Definitions

For the purpose of this regulation, the following terms are defined:

1. "Advanced resuscitative technique" means current certification in Advanced Trauma Life Support (ATLS), Advanced Cardiac Life Support (ACLS), or Pediatrics Advanced Life Support (PALS) as appropriate for the individual patient and surgical situation involved. For example, for those licensees treating adult patients, training in advanced cardiac life support (ACLS) is appropriate; for those treating children, training in pediatric advanced life support (PALS) is appropriate.

2. "Anesthesiologist" means a physician who has successfully completed a residency program in anesthesiology approved by the Accreditation Council of Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA), or who is currently a diplomate of either the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology, or who was made a Fellow of the American College of Anesthesiology before 1982.

3. "Anesthesiologist's assistant (AA)" means a person licensed by the Board as an anesthesiologist's assistant who is an allied health graduate of an accredited anesthesiologist's assistant program who is currently certified by the National Commission for Certification of Anesthesiologist's Assistants and who works under the direct supervision of an anesthesiologist who is immediately available in the operating suite and is physically present during the most demanding portions of the anesthetic including, but not limited to, induction and emergence.

4. "Board" means the South Carolina State Board of Medical Examiners.

5. "Certified registered nurse anesthetist (CRNA)" means a person licensed by the South Carolina State Board of Nursing as an Advanced Practice Registered Nurse in the category of Certified Registered Nurse Anesthetist.

6. "Complications" means untoward events occurring at any time within 48 hours of any surgery, special procedure or the administration of anesthesia in an office setting including, but not limited to, any of the following: paralysis, malignant hypothermia, seizures, myocardial infarction, renal failure, significant cardiac events, respiratory arrest, aspiration of gastric contents, cerebral vascular accident, transfusion reaction, pneumothorax, allergic reaction to anesthesia, unintended hospitalization for more than 24 hours, or death.

7. "Deep sedation/analgesia" means the administration of a drug or drugs that produce sustained depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

8. "DHEC" means the S.C. Department of Health and Environmental Control.

9. "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

10. "Health care personnel" means any office staff member who is licensed or certified by a recognized professional or health care organization such as but not limited to a professional registered nurse, licensed practical nurse, physician assistant or certified medical assistant.

11. "Hospital" means a hospital licensed by the state in which it is situated.

12. "Immediately available" means being located within the office and ready for immediate utilization when needed.

13. "Level I Surgery" means minor procedures in which p.o. preoperative medication and/or unsupplemented local anesthesia is used in quantities equal to or less than the manufacturer's recommended dose adjusted for weight and where the likelihood of complications requiring hospitalization is remote. No drug-induced alteration of consciousness other than preoperative minimal p.o. anxiolysis of the patient is permitted in Level I Office Surgery; the chances of complications requiring hospitalization must be remote.

14. "Local anesthesia" means the administration of an agent that produces a transient and reversible loss of sensation in a circumscribed portion of the body.

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15. “Major conduction block” means the injection of local anesthesia to stop or prevent a painful sensation in a region of the body. Major conduction blocks include, but are not limited to, axillary, interscalene, and supraclavicular block of the brachial plexus, spinal (subarachnoid), epidural and caudal blocks.

16. “Minimal sedation” (anxiolysis) means the administration of a drug or drugs that produces a state of consciousness that allows the patient to tolerate unpleasant medical procedures while responding normally to verbal commands. Cardiovascular or respiratory function should remain unaffected and defensive airway reflexes should remain intact.

17. “Minor conduction block” means the injection of local anesthesia to stop or prevent a painful sensation in a circumscribed area of the body (that is, infiltration or local nerve block), or the block of a nerve by direct pressure and refrigeration. Minor conduction blocks include, but are not limited to, intercostal, retrobulbar, paravertebral, peribulbar, pudendal, sciatic nerve, and ankle blocks.

18. “Moderate sedation/analgesia” means the administration of a drug or drugs, which produces depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Reflex withdrawal from painful stimulation is NOT considered a purposeful response. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. This includes dissociative anesthesia, which does not meet the criteria as defined under sustained deep anesthesia or general anesthesia.

19. “Monitoring” means continuous visual observation of a patient and regular observation of the patient as deemed appropriate by the level of sedation or recovery using instruments to measure, display, and record physiologic values such as heart rate, blood pressure, respiration and oxygen saturation.

20. “Office” means a location at which medical or surgical services are performed and which is not subject to regulation by DHEC.

21. “Office-based practice” means procedures performed under this regulation that occur in a physician’s office or location other than a hospital or facility licensed by DHEC.

22. “Office-based surgery” means the performance of any surgical or other invasive procedure requiring anesthesia, analgesia, or sedation, including cryosurgery and laser surgery, which results in a necessary patient stay of less than twenty-four consecutive hours and is performed by a physician in a location other than a hospital or a diagnostic treatment center, including free-standing ambulatory surgery centers.

23. “Operating room” means that location in the office or facility dedicated to the performance of surgery or special procedures.

24. “Physical status classification” means a description of a patient used in determining if an office surgery or procedure is appropriate. The American Society of Anesthesiologists (ASA) enumerates classification: I - Normal, healthy patient; II - a patient with mild systemic disease; III- a patient with severe systemic disease limiting activity but not incapacitating; IV- a patient with incapacitating systemic disease that is a constant threat to life; and V- Moribund, patients not expected to live 24 hours with or without operation.

25. “Physician” means an individual holding an M.D. or D.O. degree who is authorized to practice medicine in accordance with the South Carolina Medical Practice Act.

26. “Practitioner” means a physician or anesthesiologist assistant, registered nurse or CRNA licensed and practicing within the scope of practice pursuant to South Carolina law.

27. “Recovery area” means a room or limited access area of an office dedicated to providing medical services to patients recovering from surgery or anesthesia.

28. “Special procedure” means patient care which requires entering the body with instruments in a potentially painful manner, or which requires the patient to be immobile, for a diagnostic or therapeutic procedure requiring anesthesia services; for example, diagnostic or therapeutic endoscopy, invasive radiologic procedures, pediatric magnetic resonance imaging; manipulation under anesthesia or endoscopic examination with the use of general anesthetic.

29. “Sufficient knowledge” means a physician holds staff privileges in a South Carolina hospital or ambulatory surgical center which would permit the physician to supervise the anesthesia, or the physician must be able to document certification or eligibility by a specialty board approved by the American Board of Medical Specialties or American Osteopathic Association, or the physician must be able to demonstrate comparable background, formal training, or experience in supervising the anesthesia, as approved by the Board.

30. "Surgery" means any operative or manual procedure performed for the purpose of preserving health, diagnosing or treating disease, repairing injury, correcting deformity or defects, prolonging life or relieving suffering, or any elective procedure for aesthetic or cosmetic purposes. This includes, but is not limited to, incision or curettage of tissue or an organ, suture or other repair of tissue or an organ, extraction of tissue from the uterus, insertion of natural or artificial implants, closed or open fracture reduction, or an endoscopic examination with use of local or general anesthetic. This also includes, but is not limited to, the use of lasers and any other devices or instruments in performing such procedures.

31. "Topical anesthesia" means the effect produced by an anesthetic agent applied directly or indirectly to the skin or mucous membranes, intended to produce a transient and reversible loss of sensation to a circumscribed area.

C. Office Administration

Each office-based practice, at a minimum, must develop and implement policies and procedures on the topics listed below. The policies and procedures must be periodically reviewed and updated. The purpose of the policies and procedures is to assist in providing safe and quality surgical care, assure consistent personnel performance, and promote an awareness and understanding of the inherent rights of patients.

1. Emergency Care and Transfer Plan: A plan must be developed for the provision of emergency medical care as well as the safe and timely transfer of patients to a nearby hospital, should hospitalization be necessary.

a. Age appropriate emergency supplies, equipment and medication must be provided in accordance with the scope of surgical and anesthesia services provided at the physician's office.

b. In an office where anesthesia services are provided to infants and children, the required emergency equipment must be appropriately sized for a pediatric population, and personnel must be appropriately trained to handle pediatric emergencies (e.g. PALS certified).

c. A practitioner who is qualified in resuscitation techniques and emergency care must be present and available until all patients having more than local anesthesia or minor conduction block anesthesia have been discharged from the operating room or recovery area.

d. In the event of untoward anesthetic, medical or surgical complications or emergencies, personnel must be familiar with the procedures and plan to be followed, and able to take the necessary actions. All office personnel must be familiar with a documented plan for the timely and safe transfer of patients to a nearby hospital. This plan must include arrangements for emergency medical services, if necessary, or when appropriate, escort of the patient to the hospital or to an appropriate practitioner. If advanced cardiac life support is instituted, the plan must include immediate contact with emergency medical services.

2. Medical Record Maintenance and Security: The practice must have a written procedure for initiating and maintaining a health record for every patient evaluated or treated. The record must include a procedure code or suitable narrative description of the procedure and must have sufficient information to identify the patient, support the diagnosis, justify the treatment and document the outcome and required follow-up care. For procedures requiring patient consent, there must be a documented, informed consent in the patient record. If analgesia/sedation, minor or major conduction block or general anesthesia are provided, the record must include documentation of the type of anesthesia used, drugs (type and dose) and fluids administered, the record of monitoring of vital signs, level of consciousness during the procedure, patient weight, estimated blood loss, duration of the procedure, and any complications related to the procedure or anesthesia. Procedures must also be established to assure patient confidentiality and security of all patient data and information.

3. Infection Control Policy: The practice must comply with state and federal regulations regarding infection control. For all surgical procedures, the level of sterilization must meet current OSHA requirements. There must be a written procedure and schedule for cleaning, disinfecting and sterilizing equipment and patient care items. Personnel must be trained in infection control practices, implementation of universal precautions, and disposal of hazardous waste products. Protective clothing and equipment must be available.

4. Performance Improvement:

a. A performance improvement program must be implemented to provide a mechanism to periodically review (minimum of every six months) the current practice activities and quality of care provided to patients, including peer review by members not affiliated with the same practice. Performance improvement (PI) can be established by:

- (1) Establishment of a PI program by the practice; or
- (2) A cooperative agreement with a hospital-based performance or quality improvement program; or

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(3) A cooperative agreement with another practice to jointly conduct PI activities; or

(4) A cooperative agreement with a peer review organization, a managed care organization, specialty society, or other appropriate organization dedicated to performance improvement approved by the Board.

b. PI activities must include, but not be limited to review of mortalities, review of the appropriateness and necessity of procedures performed, emergency transfers, surgical and anesthetic complications, and resultant outcomes (including all postoperative infections), analysis of patient satisfaction surveys and complaints, and identification of undesirable trends, such as diagnostic errors, unacceptable results, follow-up of abnormal test results, and medication errors and system problems. Findings of the PI program must be incorporated into the practice's educational activity.

5. Reporting of Adverse Events: Anesthetic or surgical events requiring resuscitation, emergency transfer, or resulting in death must be reported to the South Carolina Board of Medical Examiners within three business days using a form approved by the Board. Such reports shall be considered initial complaints under the S.C. Medical Practice Act.

6. Federal and State Laws and Regulations: Federal and state laws and regulations that affect the practice must be identified and procedure developed to comply with those requirements. The following are some of the key requirements upon which office-based practices must focus:

- a. Non-Discrimination (see Civil Rights statutes and the Americans with Disabilities Act)
- b. Personal Safety (see Occupational Safety and Health Administration information)
- c. Controlled Substance Safeguards
- d. Laboratory Operations and Performance (CLIA)
- e. Personnel Licensure Scope of Practice and Limitations.

7. Patients' Bill of Rights: Office personnel must recognize the basic rights of patients and understand the importance of maintaining patients' rights. A patients' rights document must be immediately available upon request.

D. Credentialing

1. Facility Accreditation: Practices performing office-based surgery or procedures that require the administration of moderate or deep sedation/analgesia, or general anesthesia (Level II and III facilities as defined below) must be accredited within the first year of operation by an accreditation agency, including the American Association of Ambulatory Surgery Facilities (AAASF); Accreditation Association for Ambulatory Health Care (AAAHC); the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or the Healthcare Facilities Accreditation Program (HFAP), a division of the American Osteopathic Association; or any other agency approved by the South Carolina Board of Medical Examiners. The accrediting agency must submit a biannual summary report for each facility to the South Carolina Board of Medical Examiners. Any physician performing Level II or Level III office surgery must register with the South Carolina Board of Medical Examiners. Such registration must include each address at which Level II or Level III office surgery is performed and identification of the accreditation agency that accredits each location (when applicable). Rule of Thumb: The capacity of the patient at all times to retain his/her life-protective reflexes and to respond to sensory stimuli (i.e., the depth of sedation or anesthesia), rather than the specific procedure performed, lies at the core of differentiating Level II from Level III surgery.

a. Scope of Level II Office Surgery: Level II office surgery includes any procedure which requires the administration of minimal or moderate intravenous, intramuscular, or rectal sedation/analgesia, thus making post-operative monitoring necessary. Level II office surgery must be limited to procedures where there is only a moderate risk of surgical and/or anesthetic complications and the likelihood of hospitalization as a result of these complications is unlikely. Level II office surgery includes local or peripheral nerve block, minor conduction block, and Bier block.

b. Scope of Level III Office Surgery: Level III office surgery includes any procedure that requires, or reasonably should require, the use of deep sedation/analgesia, general anesthesia, or major conduction block, and/or in which the known complications of the proposed surgical procedure may be serious or life threatening.

2. Practitioners:

a. The specific office-based surgical procedures and anesthesia services that each respective practitioner involved is qualified and competent to perform must be commensurate with each practitioner's level of training and experience. Criteria to be considered to demonstrate competence include:

- (1) State licensure.
- (2) Procedure-specific education, training, experience and successful evaluation appropriate for the patient population being treated (e.g. pediatrics).
- (3)(a) For physicians, staff privileges in a hospital to perform the same procedure or service as that being performed in the office setting or board certification, board eligibility or completion of a training program in a field of specialization recognized by the ACGME for expertise and proficiency in that field, or comparable background, formal training, or experience as approved by the Board. Board certification is understood as American Board of Medical Specialists (ABMS), American Osteopathic Association (AOA), or equivalent board certification as determined by the Board.
- (b) For non-physician practitioners, certification that is appropriate and applicable for the practitioner, as recognized by the practitioner’s licensing board or this Board.
- (4) Professional misconduct and malpractice history.
- (5) Participation in peer and quality review proceedings.
- (6) Participation in continuing competency activities consistent with the statutory requirements and requirements of the practitioner’s professional organization.
- (7) Malpractice insurance coverage adequate for the specialty.
- (8) Procedure-specific competence (and competence in the use of new procedures/technology), which encompasses education, training, experience and evaluation, and which includes:
 - (a) Adherence to professional society standards;
 - (b) Hospital and/or ambulatory surgical privileges for the scope of services performed in the office-based setting at Levels II and III or must be able to document satisfactory completion of training such as board certification or board eligibility by a specialty board approved by the American Board of Medical Specialties, American Osteopathic Association, or comparable background, formal training, or experience as approved by the Board;
 - (c) Credentials approved by a nationally recognized accrediting/credentialing organization;
 - (d) For physicians, didactic course complemented by hands-on, observed experience. Training is to be followed by a specified number of cases supervised by a practitioner already competent in the respective procedure, in accordance with professional society standards and guidelines.
- b. Unlicensed or uncertified personnel may not be assigned duties or responsibilities that require professional licensure or certification. Duties assigned to unlicensed or uncertified personnel must be in accordance with their training, education and experience and under the direct supervision of a qualified, licensed practitioner.

E. Standards for Office Procedures

1. Level II Office Procedures:

a. Training Required:

- (1) The physician must have staff privileges in a hospital to perform the same procedure as that being performed in the office setting or must be able to document satisfactory completion of training such as board certification or board eligibility by a specialty board approved by the American Board of Medical Specialties, American Osteopathic Association, or must demonstrate comparable background, formal training, or experience as approved by the Board. The physician must maintain current certification in advanced resuscitative techniques as appropriate (e.g. ATLS, ACLS, or PALS).
- (2) One assistant or other health care personnel that is immediately available (immediately available is defined as being located within the office and not necessarily the person assisting in the procedure) must be certified in advanced resuscitative techniques as appropriate (e.g. ATLS, ACLS, or PALS).

b. Equipment and Supplies Required:

- (1) Emergency resuscitation equipment and a reliable source of oxygen must be current and immediately available.
- (2) Monitoring equipment must include a continuous suction device, pulse oximeter, and noninvasive blood pressure apparatus and stethoscope. Electrocardiographic monitoring must be available for patients with a history of cardiac disease. Age-and size-appropriate monitors and resuscitative equipment must be available for patients.

c. Assistance of Other Personnel Required:

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(1) Supervision of the sedation/analgesia component of the medical procedure should be provided by a physician who is immediately available, who possesses sufficient knowledge, and who is qualified in accordance with law supervise the administration of the sedation/analgesia or minor conduction block. The physician providing supervision must:

- (a) ensure that an appropriate pre-sedation/analgesia or anesthesia examination and evaluation is performed proximate to the procedure;
- (b) order the sedation/analgesia or anesthesia;
- (c) ensure that qualified health care personnel participate;
- (d) remain immediately available until discharge criteria are met; and
- (e) ensure the provision of indicated post-sedation/analgesia or anesthesia care.

(2) Sedation/analgesia or anesthesia must be administered or supervised only by a duly licensed, qualified and competent physician. CRNAs, AAs, or other qualified practitioners who administer sedation/analgesia or anesthesia as part of a medical procedure must have training and experience appropriate to the level of sedation/analgesia or anesthesia administered and function in accordance with their scope of practice. Such personnel must have documented competence to administer sedation/analgesia or anesthesia and to assist in any support or resuscitation measures as required. The individual administering sedation/analgesia or anesthesia and/or monitoring the patient must not play an integral role in performing the surgical procedure. This is not intended to restrict or limit the physician's ability to delegate medical tasks to other qualified practitioners in Level II office procedures.

(3) A registered nurse or other licensed health care personnel practicing within the scope of their practice who is currently certified in advanced resuscitative techniques must monitor the patient postoperatively and have the capability of administering medications as required for analgesia, nausea/vomiting, or other indications. Monitoring in the recovery area must include pulse oximetry and non-invasive blood pressure measurement. The patient must be assessed periodically for level of consciousness, pain relief, or any untoward complication. Each patient must meet discharge criteria as established by the practice, prior to leaving the operating room or recovery area.

d. Transfer and Emergency Protocols: The physician must have a transfer protocol in effect with a hospital within reasonable proximity.

e. Facility Accreditation: The physician must obtain and maintain accreditation of the office setting by an approved accreditation agency.

2. Level III Office Procedures

a. Training Required:

(1) The physician must have documentation of training to perform the particular surgical procedure(s). The physician must have staff privileges in a hospital to perform the same procedure as that being performed in the office setting or must be able to document satisfactory completion of training such as board certification or board eligibility by a specialty board approved by the American Board of Medical Specialties, American Osteopathic Association, or comparable background, formal training, or experience as approved by the Board. In the event the physician is supervising the administration of anesthesia by a CRNA, the physician must have sufficient knowledge of the anesthesia specified for the procedure to provide effective care in the case of emergency. If the physician does not possess the sufficient knowledge of anesthesia, the anesthesia must be administered by or under the supervision of a qualified physician. The physician must maintain current certification in advanced resuscitative techniques as appropriate (e.g. ATLS, ACLS, or PALS).

(2) One assistant or other health care personnel that is immediately available (immediately available is defined as being located within the office and not necessarily the person assisting in the procedure) must be currently certified in advanced resuscitative techniques as appropriate (e.g. ATLS, ACLS, or PALS).

b. Equipment and Supplies Required:

(1) Emergency resuscitation equipment, a continuous suction device, and a reliable source of oxygen must be current and immediately available. At least 12 ampules of dantrolene sodium must be immediately available. Age-and size-appropriate monitors and resuscitative equipment must be available for patients.

(2) Monitoring equipment must include:

- (a) blood pressure apparatus and stethoscope
- (b) pulse oximetry

- (c) continuous EKG
- (d) capnography
- (e) temperature monitoring for procedures lasting longer than 30 minutes.

(3) Facility, in terms of general preparation, equipment and supplies, must be comparable to a free standing ambulatory surgical center, have provisions for proper record keeping, and the ability to recover patients after anesthesia.

c. Assistance of Other Personnel Required:

(1) Supervision of the sedation/analgesia component of the medical procedure should be provided by a physician who is immediately available, who possesses sufficient knowledge, and who is qualified in accordance with law to supervise the administration of the sedation/analgesia or minor conduction block. The physician providing supervision must:

- (a) ensure that an appropriate pre-sedation/analgesia or anesthesia examination and evaluation is performed proximate to the procedure;
- (b) order the sedation/analgesia or anesthesia;
- (c) ensure that qualified health care personnel participate;
- (d) remain immediately available until discharge criteria are met; and
- (e) ensure the provision of indicated post-sedation/analgesia or anesthesia care.

(2) Sedation/analgesia or anesthesia must be administered or supervised only by a duly licensed, qualified and competent physician. CRNAs or AAs who administer sedation/analgesia or anesthesia as part of a medical procedure must have training and experience appropriate to the level of sedation/analgesia or anesthesia administered and function in accordance with their scope of practice. Such personnel must have documented competence to administer sedation/analgesia or anesthesia and to assist in any support or resuscitation measures as required. The individual administering sedation/analgesia or anesthesia and/or monitoring the patient must not play an integral role in performing the surgical procedure.

(3) A registered nurse or other licensed health care personnel practicing within the scope of their practice who is currently certified in advanced resuscitative techniques must monitor the patient postoperatively and have the capability of administering medications as required for analgesia, nausea/vomiting, or other indications. Monitoring in the recovery area must include pulse oximetry and non-invasive blood pressure measurement. The patient must be assessed periodically for level of consciousness, pain relief, or any untoward complication. Each patient must meet discharge criteria as established by the practice, prior to leaving the operating room or recovery area.

d. Transfer and Emergency Protocols: The physician must have a transfer protocol in effect with a hospital within reasonable proximity.

e. Facility Accreditation and Inspection. The physician must obtain and maintain accreditation of the office setting by an approved accreditation agency.

F. Patient Admission and Discharge

1. Patient Selection. The physician must evaluate the condition of the patient and the potential risks associated with the proposed treatment plan. The physician is also responsible for providing a post-operative plan to the patient and ensuring the patient is aware of the need for the necessary follow-up care. Patients with pre-existing medical problems or other conditions, who are at undue risk for complications, must be referred to an appropriate specialist for pre-operative consultation. Patients that are considered high risk or are a physical classification status III or greater and require a general anesthetic for the surgical procedure must have the surgery performed in a hospital setting or in ambulatory surgery centers. Patients with a physical status classification of III or greater may be acceptable candidates for moderate sedation/analgesia. ASA Class III patients must be specifically addressed in the operating procedures of the office-based practice. They may be acceptable candidates if deemed so by a physician qualified to assess the specific disability and its impact on anesthesia and surgical risks. Acceptable candidates for deep sedation/analgesia, general anesthesia, or major conduction block in office settings are patients with a physical status classification of I or II, no airway abnormality, and possess an unremarkable anesthetic history.

2. Informed Consent. The risks, benefits, and potential complications of both the surgery and anesthetic must be discussed with the patient and/or, if applicable, the patient's legal guardian prior to the surgical procedure. Written documentation of informed consent must be included in the medical record.

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3. Preoperative Assessment. A specialty specific medical history and physical examination must be performed, and appropriate laboratory studies obtained within 30 days prior to the planned surgical procedure, by a practitioner qualified to assess the impact of co-existing disease processes on surgery and anesthesia. The physician must assure that a preanesthetic examination and evaluation is conducted immediately prior to surgery by the practitioner who will be administering or supervising the anesthesia. Monitoring must be available for patients with a history of cardiac disease. Age and size appropriate monitors and resuscitative equipment must be available for patients. The information and data obtained during the course of these evaluations must be documented in the medical record.

4. Discharge Evaluation. The physician must evaluate the patient immediately upon completion of the surgery and anesthesia. Care of the patient may then be transferred to qualified health care personnel in the recovery area. A qualified physician must remain immediately available until the patient meets discharge criteria. Criteria for discharge for all patients who have received anesthesia must include the following:

- a. confirmation of stable vital signs
- b. stable oxygen saturation levels
- c. return to pre-procedure mental status
- d. adequate pain control
- e. minimal bleeding, nausea and vomiting
- f. resolving neural block, resolution of the neuraxial block
- g. discharged in the company of a competent adult.

5. Patient Instructions. The patient must receive verbal instruction understandable to the patient or guardian, confirmed by written post-operative instructions and emergency contact numbers. The instructions must include:

- a. The procedure performed
- b. Information about potential complications
- c. Telephone numbers to be used by the patient to discuss complications or should questions arise
- d. Instructions for medications prescribed and pain management
- e. Information regarding the follow-up visit date, time and location
- f. Designated treatment facility in the event of emergency.

G. Inapplicability to dentistry. These regulations shall not apply to an oral surgeon licensed to practice dentistry who is also a physician licensed to practice medicine, if the procedure is exclusively for the practice of dentistry.

ARTICLE 10

PHYSICIAN ASSISTANTS

81-110. Criteria for Physician Supervision of Nurses in Extended Role.

Any physician who supervises a Registered Nurse practicing in the extended role must be licensed in South Carolina, in possession of a permanent, active, unrestricted license to practice medicine in this State or, alternatively, be in possession of an active unrestricted academic license to practice medicine in this state and hold an appointment at the level of Associate Professor or above at an approved school of medicine. Such physicians must be currently engaged in the practice of medicine.

When the sponsoring physician is more than forty-five (45) miles from the nurse practitioner, when a physician is supervising more than three (3) nurse practitioners, or when otherwise deemed necessary, the State Board of Medical Examiners will review the nature and quality of physician supervision, on an individual basis, to insure that the public health, safety and welfare are protected. In making this evaluation, the Board's review will include, but not be limited to, the following criteria:

1. The training and practice experience of the physician;
2. The competency of the physician to supervise the "delegated Medical Acts" performed by the nurse;
3. The nature and complexity of the "delegated Medical Acts" being performed;
4. The geographic proximity of the supervising physician to the nurse practicing in the extended role;

5. The manner in which the physician intends to monitor the extended role practice and the extent to which the physician is available for consultation and advice; and

6. The number of other extended role nurses and/or Physician Assistants the physician is supervising. It is the physician's responsibility to insure that any "delegated Medical Act" being performed by the nurse is set forth in an approved written protocol, as defined by applicable law.

A copy of this approved written protocol, dated and signed by the nurse and the physician, shall be provided to the Board by the physician supervisor within seventy-two (72) hours of request by the Board.

The supervising physician shall be responsible and accountable to the Board for compliance with this regulation. Any violation of this regulation shall be considered an act of professional misconduct and subject the physician to sanctions pursuant to Section 40-47-110. A Physician Assistant is not authorized to supervise a nurse practicing in the extended role.

ARTICLE 11

RESPIRATORY CARE PRACTITIONER

81-200. Definitions.

(1) "Qualified Physician Sponsorship" is defined as the existence of a physician permanently licensed in the State with special interest and knowledge in the diagnosis, treatment, and assessment of respiratory problems and assumes the responsibility for supervising all tasks and procedures performed by respiratory care practitioners in the home care of cardiopulmonary patients. The physician sponsor need not be physically present when the respiratory care practitioner is performing respiratory care but must be readily accessible and physically available to the respiratory care practitioner for appropriate consultation.

(2) "Public Notification" is defined as written communication conducted by the Department of Labor, Licensing and Regulation to all current and potential providers, employers, or consumers of respiratory care regarding the statutory and regulatory requirements for the practice of respiratory care. Public notification shall include communication with all health care facilities, hospitals, skilled nursing facilities, rehabilitation facilities, nursing homes, clinics, sleep laboratories, physicians offices, home care providers, and durable medical equipment suppliers. After notification through the State Register, entities will have ninety (90) days from the date of notification to provide written documentation regarding compliance with the statute and regulations.

81-201. Provisional Licensing Requirements.

(1) All respiratory care practitioners in this State certified as of January 1, 1999, will be issued a permanent license within ninety (90) days of the approval of regulations. Any pending disciplinary action, fines, or probationary status will carry forward and remain in effect until final disposition by the committee and board.

(2) Provisional licenses will be issued to individuals who provide evidence that they are practicing respiratory care in November and December of 1998 but cannot meet the professional education and examination requirements. Application for a provisional license must be made within ninety (90) days after public notification by the Department of Labor, Licensing and Regulation.

(3) A provisional license shall remain valid for a period not to exceed three (3) years from the date of issuance of the provisional license and be subject to annual renewal, continuing education and medical direction requirements. When a provisional licensee fails to meet statutory or regulatory requirements, the provisional license is immediately revoked by the board and the individual is no longer eligible to apply for further provisional licenses.

81-202. Continuing Education Requirements.

As a specific condition for the annual renewal of a permanent or provisional license, each licensed respiratory care practitioner must document the completion of at least fifteen (15) hours of continuing

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education within the twelve (12) month period prior to the March 1 annual renewal date. These continuing education hours must be approved or sponsored by one of the following organizations:

- (1) American Association for Respiratory Care, Inc. or its sponsoring organizations;
- (2) American Heart Association;
- (3) the Society for Critical Care Medicine;
- (4) American Lung Association;
- (5) South Carolina Society for Respiratory Care;
- (6) Allied Health Education Centers of the South Carolina Consortium of Community Teaching Hospitals;

or

- (7) Any other institution, educational medium or organization approved by the board.

81-203. Competency Requirements for the Provision of Respiratory Care by Non-RCPs.

(1) Non-RCP's providing respiratory care, regardless of care setting or demographics, shall successfully complete formal training and demonstrate initial competency prior to assuming those duties. Formal training is defined as a supervised, deliberate and systematic continuing educational activity intended to develop new proficiencies with an application in mind. Formal training shall be approved by the board and include supervised didactic, laboratory and clinical activities as well as documentation of competence through a post-testing mechanism. Qualifications of the faculty and educational program must be approved by the medical director. The board must be notified of the intent to medically delegate the practice of respiratory care to non-RCP's prior to implementation of the program or practice.

(2) Certified Nurse Anesthetists and Certified Paramedical and Emergency Medical Technicians (EMT's) are exempt from this regulation so long as they are certified or licensed by the State and do not hold themselves out as respiratory care practitioners or practice respiratory care.

(3) Registered Polysomnographic Technologists (RPSGT's) practicing in an accredited sleep medicine facility are exempt from this regulation so long as they are practicing under physician direction and do not hold themselves out as respiratory care practitioners or practice respiratory care.

81-204. Principles of Medical Ethics.

(1) A respiratory care practitioner shall be dedicated to providing competent respiratory care with compassion and respect for human dignity.

(2) A respiratory care practitioner shall deal honestly with patients and colleagues, and strive to expose those respiratory care practitioners deficient in character or competence, or who engage in fraud or deception.

(3) A respiratory care practitioner shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.

(4) A respiratory care practitioner shall respect the rights of patients, of colleagues, and of other health professionals, and shall safeguard patient confidence within the constraints of the law.

(5) A respiratory care practitioner shall continue to study, apply and advance scientific knowledge, make relevant information available to patients, colleagues, and the public.

81-205. Reporting of Misconduct.

All employers of respiratory care practitioners shall report to the board, within thirty (30) days, any instances of misconduct leading to suspension or involuntary discharge. Misconduct is defined in "Grounds for Discipline" in Section 40-47-630.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Medical Practice Act.

Document No. 4272
BOARD OF NURSING
 CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E)&(I)

91-19. Procedure for Disciplinary Hearings.
 91-31. Fees.

Synopsis:

To reflect current fees in regulation and regulate APRNs, Regulations 91-19 and 91-31 must be updated.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 91 are modified as provided below. All other items and sections remain unchanged.

Text:

91-19. Procedure for Disciplinary Hearings.
 (Statutory Authority: 1976 Code Sections 40-33-10 et seq.)

19.a. Responsibilities of the State Board of Nursing for South Carolina. The State Board of Nursing is empowered by Section 40-33-10, Code of Laws of South Carolina, 1976, as amended, to make rules and regulations for the practice of nursing in South Carolina. Section 40-33-110 further empowers the Board to suspend or revoke the license of any advanced practice registered nurse, registered nurse or any licensed practical nurse, qualified under the provisions of Chapter 33, after notice, a hearing and presentation of evidence satisfactory to the Board that the holder of the license has violated one of the provisions of Section 40-33-110. Accordingly, the Board has adopted these rules for the conduct of investigations into and hearings concerning allegations of violations of Section 40-33-110.

19.b. Regulation Exclusive. All proceedings for the investigation of complaints concerning alleged misconduct and all proceedings for the discipline of nurses licensed to practice in South Carolina shall be brought, conducted and disposed of in accordance with the provisions of Section 40-33-10 et. seq. and this Regulation.

19.c. Initial Complaint. Any person who has sufficient information that a licensee has committed an offense for which a license may be revoked or may be suspended may file a complaint with the Department of Labor, Licensing and Regulation ("Department"). All allegations of misconduct made by any person against a nurse licensed to practice in South Carolina shall be in writing and shall plainly and substantially set forth the offense charged, including the approximate time and place the offense occurred or was observed and the name or names of witnesses, if any.

19.d. Investigations. Upon the filing of an initial complaint with the Department, the Department shall cause an initial investigation to be made into the charges for the purpose of recommending a course of action to the Board. Upon presentation of the Department's report, the Board shall make the determination as to whether or not to hold a formal hearing.

19.e. Notice and Formal Complaint. If the Board finds that the complaint does not state facts sufficient to charge misconduct or that the complaint is otherwise without merit, the said complaint shall be dismissed and

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the Department shall so notify the complainant. If the Board determines that the complaint merits a formal hearing, the Department shall forthwith refer the matter to the Office of General Counsel for preparation of a formal complaint pursuant to a complete investigation. The formal complaint shall state the facts in a manner sufficient to notify the accused (respondent) of the charge or charges against him. Following preparation of the formal complaint, the Department shall mail it to the respondent by registered or certified mail or cause it to be personally served upon the respondent. Attached to the complaint shall be a hearing notice, to include date, time, and place of hearing, requiring the respondent within thirty (30) days after the receipt of such complaint to file with the Board his answer to the complaint. The answer shall be signed by the respondent or by his counsel or by both, and may, but need not be verified.

19.f. Hearing by Panel. The hearing shall be conducted by a hearing panel appointed by the Board.

19.g. Rules of Evidence.

1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence shall be accepted in accordance with the rules normally following in civil cases in the Court of Common Pleas. The Board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

3. A party may conduct cross-examinations required for a full and true disclosure of the facts;

4. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

19.h. Duty of the Panel. The panel or examiner shall hear testimony and receive evidence and shall then make a report of the proceeding before it, including its findings of fact, conclusions and recommendations to the Board.

19.i. Review by the Board. When the panel has filed a report the Office of General Counsel shall before the Board acts upon such a report, notify the respondent or his counsel, if any, of the time and place which the Board will consider the report for the purpose of determining its action thereon, such notice to be sent by registered or certified mail or personal service, to be given not less than fifteen (15) days prior to such meeting. The respondent and his counsel shall have the right and shall be so informed in said notice to appear before the Board at said meeting and to submit briefs and be heard in oral argument in opposition to or in support of the recommendation of the panel. Upon consideration of the report of the panel and of the showing made to the Board, the Board may:

1. refer the matter back to the panel for further hearing; or

2. order a further hearing before the said Board or panel; or

3. proceed upon the record of the prior proceeding before the panel.

Upon its final review, the Board may either dismiss the complaint or find that the respondent is guilty of misconduct. A majority vote of those present and voting shall be required to find a violation of 40-33-110 (for the purpose of such action a quorum shall be four (4) Board members). If the complaint is dismissed, the Department shall notify the respondent and all counsel of record.

19.j. Duty of the Board after review. If the Board shall determine that the respondent is guilty of misconduct meriting suspension or revocation, it shall issue an order, including its findings of fact, conclusions of law, and decision of sanction, and shall forthwith notify the respondent or his counsel of such action by registered or certified mail or personal service, enclosing with such notice a copy of the Board's order. The notice shall inform the respondent of his/her right to appeal the decision of the Board.

19.k. Service of Notices, etc. Wherever in this Regulation provision is made for the service of any notice, order, report, or other paper or copy thereof upon any complainant, respondent, or petitioner in connection with any proceeding involving a complaint, service may be made upon counsel of record for such complainant, respondent or petitioner, either personally or by registered or certified mail.

19.l. President of the Board is Agent for Service of Notices on Non-resident Nurses. Service of any notice provided for in this Regulation upon any non-resident respondent who has been admitted to the practice of nursing, or upon any resident respondent who, having been so admitted, subsequently becomes a non-resident or cannot be found at his usual abode or place of business in the State, may be made by leaving with the

President of the Board a true and attested copy of such notice and any accompanying documents and by sending to the respondent, by registered or certified mail, a like, true and attested copy, with an endorsement thereon of the service upon the said President, addressed to such respondent at his last known address. The postmaster's receipt of the payment of such registered or certified mail postage shall be attached to and made a part of the return of service of such notice. The panel or Board before which there is pending any proceeding in which notice has been given as provided in this section may order such continuance as may be necessary to afford the respondent reasonable opportunity to appear and defend. The President of the Board shall keep a record of the day and hour of the service upon him of such notice and any accompanying documents.

19.m. The Board shall have discretionary power to reinstate licenses previously disciplined in accordance with Section 40-33-110 and these Regulations, provided that the established reinstatement fee is paid in full to the Board and other conditions imposed by the Board are met.

91-31. Fees.

Fees to be paid by applicants for a license as an advanced practice registered nurse, registered nurse or as licensed practical nurse shall be amounts as shown on the following schedule:

a. R.N. Examination	90.00
R.N. Endorsement	100.00
R.N. Re-examination	65.00
L.P.N. Examination	70.00
L.P.N. Endorsement	100.00
L.P.N. Re-examination	45.00
R.N. and L.P.N. Renewals	50.00
R.N. and L.P.N. Reinstatements	60.00
R.N. and L.P.N. Reactivation	50.00
R.N. and L.P.N. Reinstatement of Disciplined License	150.00
Name change only on records	0.00
Verification to another state (A.P.R.N., R.N. and L.P.N.)	5.00
Certification Exam Verification	5.00
VISA Screen Verification.....	5.00
Temporary permit	10.00
Official Inactive Status	15.00
APRN Initial Fee (current S.C. licensee only)	30.00
APRN Renewal	20.00
APRN Endorsement	140.00
APRN Reinstatement.....	90.00
APRN Reactivation	70.00
Application for Prescriptive Authority	20.00
Renewal of Prescriptive Authority	20.00
Returned check charge	30.00

b. Names, addresses and authorized statistical data of licensed nurses may be released upon written request of agencies, individuals, and organizations. This service will be provided electronically or via CD for a cost of \$10.00.

c. Refund of fees will be made at the discretion of the Board.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Nurse Practice Act.

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Document No. 4246
OCCUPATIONAL THERAPY BOARD
CHAPTER 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

94-01. Definitions.

94-06. Licensure by Endorsement.

94-09. Fees.

Synopsis:

To satisfy the requirements of licensure for occupational therapists, Regulations 94-06 and 94-09 must be updated, and Regulation 94-01 must be repealed, in conformance with the current Occupational Therapy Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 94 are modified as provided below. All other items and sections remain unchanged.

Text:

94-01. Repealed.

94-06. Licensure by Endorsement.

An applicant for licensure as an occupational therapist or occupational therapy assistant by endorsement must:

(1) hold a current, active, and unrestricted license under the laws of another state or territory that had requirements that were, at the date of licensure, substantially equivalent to the requirements in effect at the time of application in South Carolina; and

(2) submit proof satisfactory to the Board of current certification in good standing with the National Board for Certification in Occupational Therapy (NBCOT) or other Board-approved certification program; and

(3) submit an application on forms approved by the Board, with the required fee; and

(4) submit verification of all current permanent licenses in other states from each state.

94-09. Fees.

Fees are as follows:

(1) Application fee

(a) occupational therapist \$135.00

(b) occupational therapy assistant \$115.00

(2) Biennial license renewal

(a) occupational therapist \$100.00

(b) occupational therapy assistant \$80.00

(3) Late Renewal Penalty (per day-not to exceed 30 days) \$10.00

(4) Reactivation (Inactive to Active)

(a) occupational therapist \$25.00 per year of inactivity not to exceed \$300 + renewal fee

(b) occupational therapy assistant \$20.00 per year of inactivity not to exceed \$300 + renewal fee

(5) Reactivation (lapsed to active)	\$300.00 - renewal fee
(6) License verification to another state	\$5.00
(7) Name change and new license	\$10.00
(8) Duplicate license	\$10.00
(9) Duplicate certificate--wall certificate	\$10.00
(10) Returned check charge	\$30.00
(11) Temporary License Fee	\$10.00
(12) Registry of Applicants	\$10.00

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Occupational Therapy Practice Act.

Document No. 4247
BOARD OF EXAMINERS IN OPTICIANRY
 CHAPTER 96
 Statutory Authority: 1976 Code Section 40-1-70

- 96-104. General Licensing Provisions.
- 96-105. Examinations.
- 96-106. Apprenticeship Registration and Program Provisions.
- 96-110. Standards of Practice.

Synopsis:

To satisfy the requirements of licensure for opticians, Regulations 96-104 through 96-106, and 96-110 are updated in conformance with the current Opticianry Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 96 are modified as provided below. All other items and sections remain unchanged.

Text:

96-104. General Licensing Provisions.

- (A) An applicant for initial licensure as an optician must:
 - (1) submit an application on a form approved by the Board, along with the required fee; and
 - (2) submit proof satisfactory to the Board that the applicant is a graduate of an accredited public or private high school or secondary school of an equal grade approved by the Board or completed an equivalent course of study approved by the Board; and
 - (3) submit proof satisfactory to the Board that the applicant has either graduated from a two-year COA accredited program in ophthalmic dispensing or has a current valid optician's license in another state or has been engaged in the practice of opticianry for no fewer than two (2) years in a state that does not license

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opticians or has completed a Board-approved two-year apprenticeship under a South Carolina licensed optician, optometrist or ophthalmologist; and

(4) pass all initial licensure examinations conducted or recognized by the Board.

(B) An applicant for licensure as a contact lens dispensing optician must:

(1) meet all of the requirements of Section (A) above; and

(2) pass a qualifying contact lens examination conducted or recognized by the Board.

96-105. Examinations.

(A) All applicants for initial licensure must take and pass an opticianry competency examination and an examination in practical areas of opticianry. Any applicant who passes one (1) of these two (2) separate examinations but fails the other examination will only be required to apply for and be reexamined on the examination which was not passed, provided that, if the time of filing the application, a period not greater than five (5) years has elapsed since the applicant took the examination which was passed. If more than five (5) years have elapsed, the Board may inquire into the applicant's training, work and study during that period and may require the applicant to retake both examinations, if, in the Board's opinion, the applicant has not had sufficient training, work or study to keep his knowledge or proficiency in the practice of opticianry current.

(1) The opticianry competency examination may be taken as many times and as often as necessary until the applicant passes it.

(2) The practical examination may be taken twice before the following restrictions apply. Upon taking and failing to pass twice, an applicant will not be permitted to take the examination within the calendar year following notice of the second or succeeding failures. Application to take the practical examination the third and succeeding times shall be accompanied by a statement of additional training, work or study completed by the applicant since the time of the most recent notice of failure of the examination.

(B) All applicants for additional licensure as contact lens dispensing opticians must take and pass a qualifying contact lens examination. The examination may be taken as many times and as often as necessary until the applicant passes it.

96-106. Apprenticeship Registration and Program Provisions.

(A) South Carolina Registered Apprenticeships must:

(1) be registered and approved in writing before the apprenticeship commences; and

(2) be for a period of not fewer than two (2) continuous years; and

(3) be served under the direct supervision of an approved state licensed optician, optometrist or ophthalmologist who does not train more than two (2) registered apprentices at a time.

(B) Any applicant desiring to be registered in the apprenticeship program must:

(1) submit an application on a form approved by the Board, along with the required fee; and

(2) submit proof satisfactory to the Board that the applicant is a graduate of an accredited public or private high school or secondary school of an equal grade approved by the Board or completed an equivalent course of study approved by the Board; and

(3) submit an apprenticeship agreement form approved by the Board, providing the name of the South Carolina licensed optician, optometrist or ophthalmologist to be approved as the sponsor to provide the two-year training program, the nature of the program, the proposed curriculum, and the facilities and equipment of the apprenticeship location; and

(4) submit, upon the request of the Board, proof that the apprenticeship has not been altered or otherwise changed from the Board-approved apprenticeship program; and

(5) annually submit an evaluation of the apprenticeship signed by the apprentice and approved sponsor.

(C) The state licensed optician, optometrist or ophthalmologist under whom the applicant shall conduct his apprenticeship shall provide the Board with a statement agreeing to supervise the apprenticeship and to conduct training for the applicant and shall have facilities and equipment determined by the Board to be adequate for training in order for the apprenticeship to be approved.

(D) The Board shall consider the following criteria when approving an apprenticeship:

(1) nature of the apprenticeship program; and

- (2) proposed curriculum; and
- (3) facilities and equipment of the apprenticeship location; and
- (4) documentation of the sponsor's statement to supervise and to conduct training.

(E) Any change in the information supplied in the apprenticeship application shall be immediately transmitted to the Board by the approved optician, optometrist or ophthalmologist responsible for the apprentice.

(F) The Board may rescind its approval of any apprenticeship or apprenticeship program when the curriculum is not being followed or taught, when it determines that the facilities and equipment available to the apprentice are not adequate, when the apprentice is not being properly trained or supervised by an approved sponsor, or when the apprentice is engaged in conduct which would cause the Board to discipline a licensed optician.

96-110. Standards of Practice.

(A) Patient Records. A licensee shall maintain patient records for at least three (3) years from the most recent date of service, including but not limited to, the patient's name and date of service; copy of prescription and service rendered; patient financial record and name of licensed optician providing service.

(B) Advertising. A licensee holding an official position in any optician's organization or otherwise shall not use the position for advertising purposes or for self-aggrandizement.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Opticianry Practice Act.

Document No. 4248

BOARD OF PHYSICAL THERAPY EXAMINERS

CHAPTER 101

Statutory Authority: 1976 Code Sections 40-1-70 and 40-45-10 et seq.

101-04. General Licensing Provisions for Physical Therapists.

101-05. General Licensing Provisions for Physical Therapist Assistants.

101-07. Continuing Education.

101-08. Fees.

101-09. Supervision Guidelines.

101-10. Use of Aides in the Practice of Physical Therapy.

Synopsis:

To satisfy the requirements of licensure for physical therapists, Regulations 101-04 through 101-05, and 101-07 through 101-10 are updated in conformance with the current Physical Therapy Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 101 are modified as provided below. All other items and sections remain unchanged.

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Text:

ARTICLE 3

LICENSING PROVISIONS

101-04. General Licensing Provisions for Physical Therapists.

An applicant for licensure as a physical therapist must:

- (1) be a graduate of a physical therapy educational program approved by the Board; or, if foreign educated, must have a credentials evaluation by a Board approved credentialing evaluation agency that determines the applicant's education is substantially equivalent to the education of physical therapists educated in an accredited entry level program as determined by the Board. To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate Course Work Tool ("CWT") adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist graduated from their physical therapy program;
- (2) submit an application on a form approved by the Board, along with the required fee; and
- (3) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board; and
- (4) pass an examination approved by the Board; and
- (5) submit proof of not less than one thousand (1000) clinical practice hours under the on-site supervision of a licensed physical therapist on a form approved by the Board if the applicant is not a graduate of an approved school.

101-05. General Licensing Provisions for Physical Therapist Assistants.

An applicant for initial licensure as a physical therapist assistant must:

- (1) be a graduate of a physical therapist assistant program approved by the Board; and
- (2) submit an application on a form approved by the Board, along with the required fee; and
- (3) pass an examination approved by the Board; and
- (4) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board.

ARTICLE 4

CONTINUING EDUCATION

101-07. Continuing Education.

Continuing education requirements become effective upon approval by the Governor and must first be reported beginning in 2002 and thereafter.

(1) Every licensed physical therapist and physical therapist assistant shall earn 3.0 CEUs or thirty (30) hours of acceptable continuing education credit per biennium year.

(2) Physical therapists and physical therapist assistants licensed in South Carolina will not have a CEU requirement for the first biennium renewal period in which they are initially licensed. Graduates of a Board approved educational program and initially licensed are said to have met the CEU requirement for the first biennium renewal year.

(3) Standards for approval of continuing education. A continuing education activity which meets all of the following criteria is appropriate for continuing education credit:

(a) it constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee; and

(b) it pertains to common subjects or other subject matters which integrally relate to the practice of physical therapy; and

(c) it is conducted by individuals who have a special education, training, and experience by reason of which said individuals should be considered experts concerning the subject matter of the program and is accompanied by a paper, manual, or outline which substantively pertains to the subject matter of the program and reflects program schedule, including:

(1) fulfilling stated program goals or objectives, or both;

(2) providing proof of attendance to include original certificate with participant's name, date, place, course title, presenter(s), and number of program contact hours; and

(d) the Board will not grant prior approval but each licensee will be responsible for ensuring that each course submitted for continuing education credit meets these standards.

(4) The following courses are automatically approved for required contact hours:

(a) APTA (American Physical Therapy Association) and SCAPTA (South Carolina American Physical Therapy Association) sponsored courses. APTA home study courses, and courses sponsored by other state professional physical therapy associations; and

(b) college course work which is judged germane to the practice of physical therapy and is conducted or sponsored by accredited institutions of higher education; and

(c) AMA (American Medical Association) continuing education courses that involve physical therapy; and

(d) in-service hours totaling 0.4 CEUs maximum per biennium; and

(e) CPR of 0.4 CEUs per biennium; and

(f) any appropriate physical therapy continued competency tools developed by the Federation of State Boards of Physical Therapy (FSBPT) and/or the American Physical Therapy Association; the Board will assign contact hour credit to each appropriate tool on a case by case basis;

(g) achievement or renewal of any Clinical Specialist Certification through the American Physical Therapy Association will be considered as meeting the education requirement for the entire licensure biennium in which the certification or renewal is received; and

(h) such other providers as approved by the Board.

(5) Unacceptable activities for continuing education include, but are not limited to:

(a) presenting at professional meetings, conferences, or conventions; and

(b) teaching or supervision; and

(c) participation in or attending case conferences, grand rounds, informal presentations, etc.; and

(d) non-educational, entertainment, or recreational meetings or activities; and

(e) committee meetings, holding of office, serving as an organizational delegate, or fulfilling editorial responsibilities (publications); and

(f) meetings for purposes of policy-making; and

(g) visiting exhibits or poster presentations; and

(h) informal self study, e.g. self selected reading, participation in a journal club, listening to audio tapes; and

(i) published research.

(6) Report Requirements:

(a) reports shall be submitted on forms available from the Board. The Board shall routinely distribute its continuing education report forms with the biennial renewal notice. By signing the biennial report of continuing education, the licensee signifies that the report is true and accurate; and

(b) licensees shall retain original corroborating documentation of their continuing education courses and official transcripts of college course work with passing grade of C or better for no less than three (3) years from the beginning date of the licensure period.

(7) Audit of continuing competency:

(a) each licensee shall be responsible for maintaining sufficient records in a format determined by the Board; and

(b) these records shall be subject to a random audit by the Board to assure compliance with this section; and

(c) the Board may audit a percentage of the continuing education reports.

(8) In the event of denial, in whole or part, of credit for continuing education activity, the licensee shall have the right to request a hearing in accordance with the Administrative Procedures Act.

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ARTICLE 5

FEES

101-08. Fees.

(A) Fees are as follows:

- | | |
|---------------------------------------|------------------------|
| (1) Application fee | \$120.00 |
| (2) Biennial license renewal | |
| (a) physical therapist | \$100.00 |
| (b) physical therapist assistant | \$90.00 |
| (3) Late Renewal Processing Fee | \$150.00 |
| (4) Deactivation | \$50.00 |
| (5) Reactivation (inactive to active) | \$150.00 + renewal fee |
| (6) Reinstatement (lapsed to active) | \$300.00 + renewal fee |

(B) A check which is presented to the Board as payment for a fee which the Board is permitted to charge under this chapter and which is returned unpaid may be cause for denial of a license or for imposing a sanction authorized under this chapter or Section 40-1-50(G).

(C) The Board may direct applicants to pay an examination fee directly to a third party who has contracted to administer the examination.

(D) Fees are nonrefundable and may be prorated in order to comply with a biennial schedule.

ARTICLE 6

STANDARDS OF PRACTICE

101-09. Supervision Guidelines.

It is recommended that a physical therapist should not concurrently supervise more than three (3) full-time equivalent physical therapist assistant positions. The Board, in its discretion, may permit supervision of more than three (3) full-time equivalent physical therapist assistant positions, for a short, defined period of time, if a situation arises in a physical therapy treatment setting that makes compliance impossible. Relief from this supervision ratio is allowable if there is no immediate risk to public health or safety as determined by the Board.

101-10. Use of Aides in the Practice of Physical Therapy.

Aides are non-licensed personnel who assist the physical therapist or physical therapist assistant but whose duties do not require an understanding of physical therapy or formal training in anatomical, biological, or physical sciences. Education or training of the physical therapy aide shall not exceed the scope of activities described in Section 40-45-290. Aides are not to be assigned duties that may be performed only by a licensed physical therapist or licensed physical therapist assistant. When aides are utilized in the treatment of patients, the following guidelines shall apply:

(1) when applying hydrotherapy, heat or cold treatments, a physical therapist or physical therapist assistant may allow an aide to assist patients in dressing and undressing, drape and position the patient in preparation for treatment, clean and fill the whirlpool, attend the patient during treatment, wrap the patient's extremities after a paraffin bath, and place the hot packs on the patient; and

(2) when applying electrotherapy, a physical therapist or physical therapist assistant may allow an aide to prepare the area to be treated and to prepare equipment and apply electrodes as specified by the physical therapist and physical therapist assistant; and

(3) when applying traction, a physical therapist or physical therapist assistant may allow an aide to prepare the patient for treatment, position the patient, and apply the cervical or pelvic harness; and

(4) when applying therapeutic exercise, a physical therapist or physical therapist assistant may allow an aide to set up the patient's exercise equipment, prepare the equipment, and give the patient established amount of weights for resistive exercise; and

(5) when applying gait training, a physical therapist or physical therapist assistant may allow an aide to prepare equipment such as crutches, walkers, parallel bars, and braces and to assist the physical therapist or physical therapist assistant in gait training of the patient.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Physical Therapy Practice Act.

Document No. 4249

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Synopsis:

To satisfy the requirements of licensure for pilots, Regulations 136-501 through 136-599 are repealed and Regulations 136-710, 136-717 and 136-730 are amended in conformance with the current Pilotage Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 136 are modified as provided below. All other items and sections remain unchanged.

Text:

ARTICLE 2

UPPER COASTAL AREA

(Statutory Authority: 1976 Code Section 54-15-140)

136-710. Requirement for Licensure.

No person may be licensed as a pilot without first having successfully completed the required two-year program of apprentice training and qualification, as well as the Apprentice Training Course approved by the Commissioners. This is applicable to temporary and emergency licenses as well as to regular full Branch and Short Branch licenses.

136-717. Completion of Apprenticeship.

A. Upon the successful completion of the two year apprenticeship training and qualification program for the Upper Coastal Area including certification by the Course Monitor of satisfactory completion of the Apprentice

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Training Course at Georgetown, the pilots shall provide the Commissioners with the name of every successful apprentice, along with a copy of his or her Branch License issued by the Commissioners of Pilotage for the Upper Coastal Area and their recommendations regarding his or her prospective licensure by the Commission.

B. The complete training record of every apprentice so recommended shall be brought before the Commissioners at the time such apprentice's name is presented.

C. Nothing shall prohibit the Commissioners from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

136-730. Pilot Registration.

A. The maximum number of pilots for the Upper Coastal Area is limited to three (3), and may be increased by the Commissioners of Pilotage for the Upper Coastal Area to five (5). The minimum number of Full Branch pilots for the Upper Coastal Area shall be established by the Commissioners to be sufficient to handle the number of vessels requiring pilot services, in accordance with Section 54-15-130 of the 1976 South Carolina Code, as amended. The Commissioners for the Upper Coastal Area may authorize a number of Short Branch pilots in addition to the number established for Full Branch pilots.

B. Every pilot being registered shall submit evidence that he or she has satisfactorily passed the thorough physical examination required pursuant to 46 CFR 10.709.

C. In addition to the above mentioned physical examination, every pilot age 60 or older shall submit specific evidence of his or her fitness to perform pilot duties with special attention and certification relative to visual acuity, hearing, heart and vascular, and musculoskeletal systems, in the form of a written report of physical examination, to include EKG, blood chemistry, X-Ray, and such other appended test reports that, in the opinion of the examining physician, are appropriate. Every aforesaid physical examination must be conducted by a physician licensed by the State of South Carolina.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Pilotage Practice Act.

Document No. 4250

BOARD OF PODIATRY EXAMINERS

CHAPTER 134

Statutory Authority: 1976 Code Section 40-1-70

134-10. License to Practice Podiatry.

134-50. Procedure for Re-examination and Review of Examination.

Synopsis:

To satisfy the requirements of licensure for podiatrists, Regulations 134-10 and 134-50 are updated in conformance with the current Podiatry Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 134 are modified as provided below. All other items and sections remain unchanged.

Text:

134-10. License to Practice Podiatry.

No applicant shall be examined by the Board to practice podiatry in this State unless the applicant shall:

- (1) Present such evidence of good moral character as is required by the Board.
- (2) Present to the Board's satisfaction, evidence that he:
 - (a) has received four years of high school training;
 - (b) has completed at least three years of pre-podiatry training at a recognized college;
 - (c) has received a diploma or certificate of graduation from a recognized college of podiatric medicine, which has been accredited by the Council on Podiatric Medical Education having a minimum requirement of four consecutive scholastic years embracing at least nine months of instruction each year, a minimum of 3,360 hours in the different calendar years.
- (3) The Board may accept, in its discretion, as such satisfactory evidence of graduation, any of the following:
 - (a) A notarized copy of the applicant's diploma or other certificate of graduation from an approved podiatry college.
 - (b) A sworn statement from the dean of the podiatry college stating that the applicant has graduated from such podiatry college.
- (4) Complete an application to practice podiatry in South Carolina on the form furnished by the Board at least ninety (90) days prior to the date of the examination. In making the application, the applicant authorizes the Board to verify the information contained in the application, or to seek such further information pertinent to the applicant's qualifications or character, as the Board may deem proper.
- (5) Pay to the board a fee as prescribed by the Board at the time the application is approved by the Board.
- (6) The Board shall require each applicant to successfully complete an examination before such applicant is licensed. The examination given by the Board may be given either verbally or in writing, or by any combination of such methods as the Board may, in its discretion, require.

134-50. Procedure for Re-examination and Review of Examination.

The applicants who fail the examination may take the next scheduled examination, if eligible to do so. An applicant shall be eligible for re-examination by the Board within six (6) months providing:

- (1) The applicant makes a formal request to the Board for re-examination with payment of original exam fee.
- (2) Only two (2) such re-examinations shall be permitted under the privilege of the original application.
- (3) Candidates who fail the examination may request a review of individual test scores, but may not see the examination questions for security reasons.

The Board will consider a request for review of individual test scores only when the request is presented in writing and received within sixty (60) days after the test results have been released.

- (4) Candidates who fail the examination, and are granted a review, will be assessed the reasonable cost of this review unless review takes place at a regular meeting of the Board.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

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Statement of Rationale:

These regulations are updated in conformance with the current Podiatry Practice Act.

Document No. 4251
BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100
Statutory Authority 1976 Code Section 40-1-70

100-10. Continuing Education Credits.

Synopsis:

To satisfy the requirements of licensure for psychologists, Regulation 100-10 is updated in conformance with the current Psychology Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 100 is modified as provided below. All other items and sections remain unchanged.

Text:

100-10. Continuing Education Credits.

A. Number of credits. Each licensed psychologist shall earn a minimum of twenty-four (24) approved continuing education credits during each two year biennial licensure period.

B. Types of credit. A minimum of twelve (12) continuing education credits must be accumulated from Category A offerings and a maximum of twelve (12) continuing education credits can be accumulated from Category B offerings. Psychologists can elect to earn all of their continuing education credits from Category A offerings.

(1) Category A experiences generally include formal activities wherein direct contact hours can be exchanged for continuing education credits on a one to one basis. Each offering under Category A should have a mechanism by which to measure the exchange of information, and, with respect to item (e) below, these offerings must be relevant to psychologist's area(s) of practice. It is the responsibility of the licensed psychologist to confirm completion of each educational experience completed under item (e) below. Category A generally includes, but is not limited to:

(a) Successful completion of a three (3) hour graduate course in psychology at a regionally accredited institution of higher learning; content of the course must be relevant to area(s) in which the psychologist practices;

(b) Offerings by regionally accredited institutions of higher learning;

(c) Offerings by the American Psychological Association approved internship training programs;

(d) Offerings by the American Psychological Association, by American Psychological Association approved sponsors, and/or by state or regional psychological associations;

(e) Teaching a graduate course designed for the education of psychologists the first time it is taught;

(f) Offerings by sponsors approved by other national professional organizations that are relevant to specialty area of licensure;

(g) Publishing a scholarly work of a psychological nature in a refereed publication.

(2) For offerings (a) and (g) under Category A, a maximum of twelve (12) continuing education credits can be earned per year.

(3) Category B usually involves more informal offerings than Category A and includes, but is not limited to:

- (a) Peer review or supervision by another licensed psychologist or another mental health professional;
- (b) Consultation with another licensed psychologist or another mental health professional;
- (c) Publishing a scholarly work of a psychological nature in a nonreferred publication;
- (d) Attendance or presentation at professional, educational, or scientific meetings, seminars, workshops, etc. of local, state, regional, or national professional organizations or agencies;
- (e) Reading of professional journals and listening to/viewing self study tapes and courses of a psychological nature.

C. No carryover of continuing education credits. Under no circumstances will a licensed psychologist who earns more than the minimum number of continuing education credits in the twenty-four (24) month licensure period be permitted to carry over the excess credits to the following licensure period.

D. Reporting of credits. Each licensed psychologist shall report, on a form provided by the Board, completion of a minimum of twenty-four (24) approved continuing education credits in the twenty-four (24) month licensure period at the time of licensure renewal.

E. Monitoring of credits. The Board will request written documentation of completion of a minimum of twenty-four (24) approved continuing education credits during the previous twenty-four (24) month licensure period from a randomly selected sample of licensed psychologists.

F. Penalties. When a licensed psychologist is unable to provide the Board with written documentation of completion of a minimum of twenty-four (24) approved continuing education credits during the previous twenty-four (24) month licensure period, a penalty will be determined by the Board on an individual basis.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is updated in conformance with the current Psychology Practice Act.

Document No. 4273
REAL ESTATE COMMISSION
CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

105-1. Insurance Required for Time Sharing Facilities and Accommodations.

Synopsis:

To satisfy the requirements of licensure for real estate professionals, Regulation 105-1 is repealed in conformance with the current Real Estate Commission Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 105 is repealed as provided below.

Text:

105-1. Repealed.

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Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is updated in conformance with the current Real Estate Commission Practice Act.

Document No. 4274

REAL ESTATE COMMISSION

CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

105-12. Provider, Course, and Instructor Fees.

105-13. Fees.

Synopsis:

The South Carolina Real Estate Commission amends Regulation 105-12 and adds Regulation 105-13 to include already established fees in its regulations.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 105 are modified as provided below. All other items and sections remain unchanged.

Text:

105-12. Provider, Course, and Instructor Fees.

The following fees shall be charged by and paid to the Commission:

A. for each course provider approval, a fee of two hundred dollars (\$200), and for each renewal thereof, a fee of one hundred dollars (\$100); and

B. for each course approval, a fee of one hundred dollars (\$100), and for each renewal thereof, a fee of fifty dollars (\$50); and

C. for each instructor approval, a fee of one hundred dollars (\$100), and for each renewal thereof, a fee of fifty dollars (\$50); and

D. for each late renewal (after August 31st) for provider, course, or instructor, a fee of fifty dollars (\$50).
The education year is September 1st of even-numbered years through August 31st.

105-13. Fees.

A. New License:

- | | |
|-----------------------------------------------------------------|-------|
| 1. Broker-in-Charge/Property Manager-in-Charge (biennial) | \$250 |
| 2. Broker/Property Manger (biennial) | \$125 |
| 3. Salesperson (Provisional), (annual) | \$25 |
| 4. Credit report for applicant by reciprocity | \$10 |
| 5. Salesperson applicant from non-reciprocity states (biennial) | \$50 |

B. Renewal:

- | | |
|-----------------------------------------------------------|-------|
| 1. Broker-in-Charge/Property Manager-in-Charge (biennial) | \$120 |
|-----------------------------------------------------------|-------|

2. Broker/Property Manager (biennial)	\$80
3. Salesperson (biennial)	\$60
4. Inactive Status (biennial)	\$150
5. The late renewal fee is \$25 per month, beginning July 1 st through December 31 st . After December 31 st , the licensee must reapply.	
C. Licensing Transactions:	
1. Upgrade of Salesman Provisional License	\$25
2. License Transfer	-\$0-
3. Duplicate License	\$10
4. Certification of Licensure	\$5
5. Personal Name Change	\$10
6. Change of License Status	
a. BIC/PMIC to Broker/Property Manager	\$10
b. Activate License (same classification) from Inactive	\$10
c. Company Name or Address Change	\$10
(1) (\$10 per licensee or maximum of \$250 an office)	
D. Examination Process:	
1. Application	\$25
2. Credit Report	\$10
3. Examination	payable directly to examination vendor

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated to include already established fees in regulation.

Document No. 4275
RESIDENTIAL BUILDERS COMMISSION
 CHAPTER 106

Statutory Authority: 1976 Code Sections 40-1-70, 40-59-70, 40-59-220, and 40-59-610

106-5. Emergency License and Registration.

Synopsis:

To satisfy the requirements of emergency licensure for residential builders, Regulation 106-5 is added in conformance with the current Residential Builders Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 106 is added as provided below. All other items and sections remain unchanged.

Text:

106-5 Emergency License and Registration

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A. In the instance of an event declared to be an emergency by the governor, the department, as defined by S.C. Code Ann. § 40-59-20(2), is authorized to issue emergency licenses and registrations for out-of-state builders and specialty contractors.

B. To qualify for an emergency license or registration, an individual, at the time of application, must submit a verification letter issued by the state in which the applicant's principal place of business is located (home state) as proof that his or her license is in good standing. The emergency license or registration may be issued only to the individual shown on the home-state license. The home-state license must have been issued by examination; a "grandfathered" license or registration will not be accepted as proof of licensure.

C. In addition to proof of home state licensure, an applicant must also provide:

1. An emergency license application;
2. A national criminal background report current within fourteen (14) days of the date of application. A criminal background report showing misdemeanors listed for twenty-four (24) months or felonies listed for fifteen (15) years prior to the application date will not qualify for licensure;
3. A current bond for home builders of at least Fifteen Thousand Dollars (\$15,000.00) and current bond for specialty contractors of at least Five Thousand Dollars (\$5,000.00); and,
4. A fee of One Hundred Dollars (\$100.00).

D. An emergency license or registration will be:

1. Issued for one (1) specific event;
2. Limited to a total valuation of One Hundred Thousand Dollars (\$100,000.00) for any single project for home builders, and a total valuation of Thirty-five Thousand Dollars (\$35,000.00) for any single project for specialty contractors;
3. Valid only for the scope of work permitted by the applicant's home-state license;
4. Valid only within the area of the declared emergency; and,
5. Valid only for the duration of the emergency declaration, or as extended at the board's discretion.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is added in conformance with the current Residential Builders Practice Act.

Document No. 4253

BOARD OF SOCIAL WORK EXAMINERS

CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-10

110-1. Continuing Education Requirements

110-10. Fees

110-20. Principles of Professional Ethics

Synopsis:

To satisfy the requirements of licensure for social workers, Regulations 110-1, and 110-10 through 110-20 must be updated in conformance with the current Social Work Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 110 are modified as provided below. All other items and sections remain unchanged..

Text:

ARTICLE 1

CONTINUING EDUCATION

110-1. Continuing Education Requirements.

A. The Board recognizes that social work is a practice of a profession which must conform to the public's expectation of professional competency. It further recognizes that structured programs of continuing education will provide licensees with opportunities for maintaining and improving competency as well as the satisfaction of new professional development.

B. As a pre-requisite for biennial renewal of the practitioner's license, the licensee must complete a minimum of 40 contact hours of accepted professional continuing education per renewal period. This requirement becomes effective during the one-year period following the January 1, 1990, license renewal date, and during each year thereafter.

C. The general guidelines for completing forty (40) contact hours of instruction are:

(1) Accepted instruction will be those courses, conferences, seminars, etc., as approved by the Board pursuant to subsection D below.

(2) Only student class hours or the equivalent will be counted as credit.

(3) Services, in hours, as a lecturer or discussion leader may be counted to the extent that they contribute to the maintenance and development of a licensee's professional competence.

(4) Except in unusual circumstances, credits will not be given for repeating an instructional course.

D. Approval for continuing education credit:

(1) Approval for continuing education credit shall be provided by persons designated by the Board upon guidelines and standards established by the Board pursuant to these Regulations.

(2) Application for continuing education credit approval shall be in the manner and form designated by the Board.

(3) Application for approval shall be processed at times, and in the manner, designated by the Board up to the date of submission of the continuing education report. The risk of disapproval shall be borne by the sponsor or applicant for continuing education credit.

110-10. Fees.

The Board sets, determines, establishes, prescribes, and levies fees for license applications, examinations (which do not include any fees paid to any organization other than the Board administering any examination required by the Board), temporary licenses, license renewals, license reinstatements, annual licenses, and review of continuing education submissions in such amounts as are estimated to generate the minimum percentage of the anticipated appropriation or expenditures of the Board for the coming fiscal year required by applicable South Carolina law, including appropriations acts.

110-20. Principles of Professional Ethics

1. The social worker shall not exploit relationships with clients for personal or business advantages, other than the proper, reasonable and agreed upon compensation for his services to the client.

2. The social worker shall not solicit the clients of his employing agency for private practice.

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3. The social worker will inform clients of any possible or apparent conflict of interest and shall terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or in which a conflict of interest does arise, in such a manner which does not endanger the client's life.

4. A social worker shall not engage in any sexual act with a client or with a person who has been a client to whom services were provided within the past three years.

5. A social worker shall not exploit his professional relationships with clients (or former clients), supervisor, students, employees, or research participants, sexually or otherwise. A social worker does not engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

6. The client/social worker relationship shall be presumed to continue to exist for a period of six months after the last provision of services except where circumstances such as, but not limited to, selection of a new therapist shows otherwise.

7. A social worker will give precedence to his professional responsibility over his financial interests.

8. A social worker shall not commit fraud and shall not represent that he performed services which he did not perform.

9. A social worker will not divide a fee or accept or give anything of value for receiving or making a referral.

10. A social worker should provide clients with accurate and complete information regarding the extent and nature of the services available to them.

11. A social worker shall not participate in or condone fraud or any other misrepresentation. A social worker shall not misrepresent professional qualifications, education, experience, affiliations, or services performed.

12. In connection with his work as a social worker, a social worker shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

13. A social worker shall not repeatedly fail to keep scheduled appointments.

14. A social worker who anticipates the termination or interruption of service to clients shall notify such clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

15. A social worker shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for compelling reasons. Compelling reasons shall include, but are not limited to:

- a. Consultation with another professional on behalf of the client;
- b. Duty to warn;
- c. Child abuse and sexual molestation;
- d. Statutory requirements.

16. The social worker shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

17. The social worker shall report to the appropriate authorities any incident, of which he has personal knowledge, of unethical social practice by any individual or organization.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Social Work Practice Act.

Document No. 4254

BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-90

- 115-2. General Licensing Provisions.
- 115-3. Speech-Language Pathology Assistants.
- 115-4. Supervised Professional Employment.
- 115-7. Code of Ethics.

Synopsis:

To satisfy the requirements of licensure for speech-language pathologists and audiologists, Regulations 115-2 through 115-4 and 115-7 are updated in conformance with the current Speech-Language Pathology and Audiology Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 115 are modified as provided below. All other items and sections remain unchanged.

Text:

115-2. General Licensing Provisions.

Each applicant for a license must submit a notarized application form to the board office. The appropriate fee must be received before the application may be evaluated.

(A) An applicant for active licensure in Speech-Language Pathology or Audiology must submit or cause to be submitted documented evidence of the following:

- (1) a post-graduate degree in speech-language pathology or audiology from a school or program determined by the board to be equivalent to those accredited by the Council on Professional Standards of the American Speech-Language Hearing Association (ASHA);
- (2) a minimum score of 600 on a national examination approved by the board; and
- (3)(a) completed supervised professional employment (SPE); or
- (b) meets ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board, in Speech-Language Pathology or Audiology in effect at the time of application; or
- (c) have a current ASHA Certificate of Clinical Competence or its equivalent as approved by the board.

(B) An applicant for a speech-language pathology or audiology intern license must submit or cause to be submitted documented evidence of having satisfied the requirement of (A)(1).

A speech-language pathology or audiology intern license must be issued to an applicant who has satisfied the requirement of subsection (A)(1) but who has not passed the examination required by subsection (A)(2) or who lacks the supervised professional employment as required by subsection (A)(3), or both.

A person who has been issued a license as an intern who has not met the requirement of subsection (A)(2) must pass an examination approved by the board within twelve months of the issuance of the intern license.

115-3. Speech-Language Pathology Assistants.

To be licensed as a Speech-Language Pathology Assistant and applicant must:

- (1) submit an application on forms approved by the board;
- (2) submit an application fee as prescribed by the board;
- (3) present evidence of a bachelor's degree in Speech-Language Pathology.

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A bachelors degree in Speech-Language Pathology must include as a minimum the following core curriculum of 36 semester hours and not less than 100 clock hours of clinical practicum.

(A) Specialized Preparation: 36 Semester Hours

(1) Directed Teaching in Speech Correction (6 Semester Hours)
100 clock hours of supervised clinical practicum in not less than two different sites.

(2) Basic Area

Anatomy, physiology, mechanics, and function of the ear and vocal mechanism.

Phonetics

Semantics

Speech and Voice Science

Psychology of Speech

Experimental Phonetics

(3) Speech Pathology and/or Correction Courses (12 Semester Hours)

Stuttering

Articulation

Voice Disorders

Cleft Palate

Aphasia

Cerebral Palsy

Psychogenic Speech Disorders

Pathological Speech Disorders

(4) Audiology (3 Semester Hours)

Testing of Hearing

Introduction of Audiology

Auditory Training

Speech Reading

Speech for the Deaf or Hard of Hearing

(5) Psychology (6 Semester Hours)

Human Growth and Development

Psychology of Adjustment or

Abnormal Psychology

(6) Basic Course in Public Speaking (3 Semester Hours)

(B) General Guidelines

(1) No speech-language pathology assistant may begin working in direct contact with clients/patients without the board's written approval of the supervisory agreement and on the job training plan.

(2) Only a speech-language pathologist with an active license in good standing may supervise speech-language assistants.

(3) A speech-language pathologist may supervise no more than two full-time or three part-time speech-language pathology assistants. Full time is defined as 40 work hours per week.

(4) If, for any reason, there is a change in supervising speech-language pathologist, it is the responsibility of the supervising speech-language pathologist to notify the board in writing within seven (7) working days that the supervisory agreement has been discontinued.

(5) The assistant's license shall become void when the authorized supervisor is no longer available for supervision. The license will be reactivated upon receipt and approval by the board of a new supervisory agreement and the change in supervising speech-language pathologist fee specified in Section 40-67-50.

(6) At the time of license renewal, supervising speech-language pathologists are to list the names of all those speech-language pathology assistants they are supervising.

(7) A speech-language pathology assistant may work part-time for more than one supervising speech-language pathologist provided that the board has approved supervisory agreements for each supervising speech-language pathologist.

(8) A licensed speech-language pathologist who supervises any speech-language pathology assistant must provide each speech-language pathology assistant with on the job training and must maintain responsibility for all services performed or omitted by such speech-language pathology assistant(s).

(C) On-the-Job Training

At a minimum, on-the-job training (OJT) must include step-by-step instruction of each and every service or task the speech-language pathology assistant is to perform and continuous visual observation by the supervising speech-language pathologist of the speech-language pathology assistant's performance of each service or task until the supervising speech-language pathologist establishes the speech-language pathology assistant's competence. The supervising speech-language pathologist must maintain a written record of each service or task indicating the activity, date, time, and location of the training demonstration and observations. This record must be signed by both the supervising speech-language pathologist and the speech-language pathology assistant and a copy must be provided to the speech-language pathology assistant. The supervising speech-language pathologist and the speech-language pathology assistant must maintain such records for a period of four (4) years and such records must be made available to the director or his designee upon request.

(D) Supervision - General.

Supervising speech-language pathologists are responsible for all the clinical services provided or omitted by the speech-language pathology assistant(s). When speech-language pathology assistants provide direct services, the supervising speech-language pathologist is responsible for informing, in writing, all the clients (or their legal guardians), referring agencies, and third-party payers. Further, it is the supervisor's responsibility to ensure that the assistant is clearly identified at all times as an assistant by means of a name tag or similar identification. At no time may a speech-language pathology assistant perform tasks when the supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or other immediate means. The supervisor must make provisions, in writing, for emergency situations including designation of another licensed speech-language pathologist who has agreed to be available on an as needed basis to provide supervision and consultation to the assistant when the supervisor is not available. If for any reason (i.e., maternity leave, illness, change of job) a supervisor is not able to provide the level of supervision stipulated, the assistant may not perform client contact tasks.

(E) Direct Supervision.

Following initial OJT, direct supervision of each speech-language pathology assistant must consist of a minimum of 15% (6 hours per 40 hour work week) or one of every seven visits per patient of direct, visual supervision of client contact to include a sampling of each assigned service or task. This direct supervision must be documented in writing. This documentation must be maintained by the supervising speech-language pathologist for a period of four years and must be made available to the director or his designee upon request.

(F) Indirect Supervision.

In addition to direct supervision, indirect supervision is required a minimum of 5% (2 hours per 40 hour work week) and must include review of written records and may include demonstrations, review and evaluation of audio- or video- taped sessions, and/or supervisory conferences.

(G) Quarterly Reviews.

In addition to direct and indirect supervision, the supervising speech-language pathologist must conduct quarterly performance reviews of each speech-language pathology assistant's performance of each assigned service or task. Such quarterly reviews must document, on a form approved by the board, direct observation of each task or service assigned to the speech-language pathology assistant. These reviews must be signed by both the supervising speech-language pathologist and the speech-language pathology assistant and must be maintained by the supervising speech-language pathologist for a period of four (4) years and must be made available to the director or his designee.

(H) Scope of Practice.

The supervising speech-language pathologist accepts full and complete responsibility for all services and tasks performed or omitted by the speech-language pathology assistant. Provided that education, training, supervision and documentation are consistent with that defined in this chapter, the following tasks may be designated to the speech-language pathology assistant:

(a) Conduct speech-language or hearing screenings (without interpretation) following specified screening protocols developed by the supervising speech-language pathologist.

(b) Provide direct treatment assistance to patients/clients identified by the supervising speech-language pathologist.

(c) Follow documented treatment plans or protocols developed by the supervising speech-language pathologist.

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(d) Document patient/client progress toward meeting established objectives as stated in the treatment plan.

(e) Assist the supervising speech-language pathologist during assessment of patients/clients.

(f) Assist with tallying patient/client responses, prepare therapy materials, schedule activities, prepare charts and assist with other clerical tasks as directed by the supervising speech-language pathologist.

(g) Perform checks and maintenance of equipment.

(h) Assist the supervising speech-language pathologist in research projects, in-service training and public relations programs.

(i) Sign treatment notes which must be reviewed and co-signed by the supervising speech-language pathologist.

(j) Discuss with the client, his guardian or family members specifically observed behaviors that have occurred during treatment when such behaviors are supported by documented objective data.

(k) Upon assignment of the supervising speech-language pathologist, present information designated in writing by the supervising speech-language pathologist regarding patients/clients at staffings or conferences.

(l) Prohibited Activities.

The speech-language pathology assistant may not:

(1) Perform diagnostic tests of any kind, formal or informal evaluations, or interpret test results.

(2) Participate in parent conferences, case conferences, or any interdisciplinary team meetings where diagnostic information is interpreted or treatment plans developed without the presence of the supervising speech-language pathologist or designated licensed speech-language pathologist.

(3) Provide patient/client or family counseling.

(4) Write, develop, or modify a patient/client's treatment plan in any way.

(5) Assist with patients/clients without following a documented treatment plan which has been prepared by a licensed speech-language pathologist and for which the speech-language pathology assistant has not received appropriately documented OJT.

(6) Sign any formal documents (e.g., treatment plans, reimbursement forms or reports) without the signature of the supervising speech-language pathologist.

(7) Select patients/clients for services.

(8) Discharge patients/clients from services.

(9) Disclose clinical or confidential information either orally or in writing to any one not designated in writing by the supervising speech-language pathologist.

(10) Make referrals for additional services.

(11) Provide any interpretation or elaboration of information that is contained in reports written by any licensed speech-language pathologist.

(12) Represent himself to be a speech-language pathologist.

(13) Make advertisement or public announcement of services independent of the supervising speech-language pathologist.

115-4. Supervised Professional Employment.

(A) Supervised professional employment (SPE) means direct clinical work with patients, consultations, record keeping, or any other duties relevant to a bona fide program of clinical work. It is expected, however, that a significant amount of clinical experience will be in direct clinical contact with persons who have communication disorders. Time spent in supervision of students, academic teaching, and research, as well as any administrative activity that does not deal directly with management programs of specific patients or clients will not count toward completion of the SPE.

(B) The SPE is defined as not fewer than nine (9) months of full-time professional employment, whether or not for wages or other compensation. Full-time employment means a minimum of thirty (30) clock hours or work per week. This requirement may also be met by part-time employment as follows:

(1) fifteen (15) to nineteen (19) hours of work per week over a period of eighteen (18) months;

(2) twenty (20) to twenty-four (24) hours of work per week over a period of fifteen (15) months; or

(3) twenty-five (25) to twenty-nine (29) hours of work per week over a period of twelve (12) months.

In the event that part-time employment is used to fulfill a portion of the SPE, one hundred (100%) percent of the minimum hour requirements for part-time work must be spent in direct professional employment as defined above.

(C) SPE supervision must entail the personal and direct involvement of the supervisor in observations of diagnostic and therapeutic procedures that will permit the SPE supervisor to monitor, improve and evaluate the intern's performance in professional clinical employment. The supervision must include on-site observations of the intern. Other monitoring activities such as conferences with the intern, evaluation of written reports, and evaluation by professional colleagues may be executed by correspondence. The intern's supervisor must base the total evaluation on no fewer than thirty-six (36) monitored activities (a minimum of four hours per month). The monitoring activities must include at least eighteen (18) on-site observations (a minimum of two hours each month). Should a supervisor suspect at any time during the SPE that an intern will not meet the requirements of this section, the supervisor must counsel the intern both orally and in writing and maintain carefully written records of all contacts and conferences in the ensuing months.

(D) Within one month of completion of the SPE, the supervisor must conduct a formal evaluation of the intern's performance and submit the evaluation to the board. Such evaluation must be completed on a form approved by the board, must be signed and dated by both the intern and the supervisor, and must include a recommendation by the supervisor that in his opinion the intern either is or is not qualified for full licensure.

115-7. Code of Ethics.

PRINCIPLE 1: Members shall provide professional services with honesty and compassion, and shall respect the dignity, worth and rights of those served.

Rule 1a: Individuals shall not limit the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for the potential benefit from such services.

Rule 1b: Individuals shall not discriminate in the provision of services to individuals on the basis of gender, race, religion, national origin, sexual orientation, or general health.

PRINCIPLE 2: Individuals shall maintain high standards of professional competence in rendering services, providing only those professional services for which they are qualified by education and experience.

Rule 2a: Individuals shall use available resources including referrals to other specialists, and shall not accept benefits or items of personal value for receiving or making referral.

Rule 2b: Individuals shall exercise all reasonable precautions to avoid injury to persons in the delivery of professional services.

Rule 2c: Individuals shall not provide services except in a professional relationship.

Rule 2d: Individuals shall provide appropriate supervision and assume full responsibility for services delegated to supportive personnel. Individuals shall not delegate any service requiring professional competence to unqualified persons.

Rule 2e: Individuals shall not permit personnel to engage in any practice that is a violation of the Code of Ethics.

Rule 2f: Individuals shall maintain professional competence, including participation in continuing education.

PRINCIPLE 3: Individuals shall maintain the confidentiality of the information and records of those receiving services.

Rule 3a: Individuals shall not reveal to unauthorized persons any professional or personal information obtained from the person served professionally, unless required by law.

PRINCIPLE 4: Individuals shall honor their responsibility to the public by promoting public understanding of the profession, by supporting the development of services designed to fulfill the unmet needs of the public, and by providing accurate information in all communication involving any aspect of the professions.

Rule 4a: Individuals shall not misrepresent their credentials, competence, education, training, or experience.

Rule 4b: Individuals shall not participate in professional activities that constitute a conflict of interest.

Rule 4c: Individuals shall not misrepresent diagnostic information, services rendered, or products dispensed or engage in any scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products.

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Rule 4d: Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, and about professional services.

Rule 4e: Individuals' statements to the public - advertising, announcing, and marketing their professional services, reporting research results, and promoting products - shall adhere to prevailing professional standards and shall not contain misrepresentations.

PRINCIPLE 5: Individuals shall provide accurate information about the nature and management of communicative disorders and about the services and products offered.

Rule 5a: Individuals shall provide persons served with the information a reasonable person would want to know about the nature and possible effects of services rendered, or products provided.

Rule 5b: Individuals may make a statement of prognosis, but shall not guarantee results, mislead, or misinform persons served.

Rule 5c: Individuals shall not carry out teaching or research activities in a manner that constitutes an invasion of privacy, or that fails to inform persons fully about the nature and possible effects of these activities, affording all persons informed free choice of participation.

Rule 5d: Individuals shall maintain documentation of professional services rendered.

PRINCIPLE 6: Individuals shall honor their responsibilities to the professions and their relationships with colleagues, students, and members of allied professions, maintained harmonious interprofessional and intra professional relationship and adopt the professions' self-imposed standards.

Rule 6a: Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Code of Ethics.

Rule 6b: Individuals shall not engage in dishonesty, fraud, deceit misrepresentation, or any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

Rule 6c: Individuals shall assign credit only to those who have contributed to a publication, presentation or product. Credit shall be assigned in proportion to the contribution and only with the contributors consent.

Rule 6d: Individuals' statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

Rule 6e: Individuals shall not discriminate in their relationships with colleagues, students and members of the allied professions on the basis of race or ethnicity, gender, age, religion, national origin, sexual orientation or disability.

Rule 6f: Individuals who have reason to believe that the Code of Ethics has been violated shall inform the board.

Rule 6g: Individuals shall cooperate fully with the board in its investigation and adjudication of matters related to the Code of Ethics.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Speech-Language Pathology and Audiology Practice Act.

Document No. 4276

BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

120-14. Fees.

Synopsis:

To satisfy the requirements of licensure for veterinary medical professionals, Regulation 120-14 is added to include already established fees in regulation.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following section of Chapter 120 is added as provided below. All other items and sections remain unchanged.

Text:

120-14. Fees.

(A) Fees for Veterinarians:

(1) Application for License	\$100.00
(2) Temporary Veterinary License	\$100.00
(3) Temporary New Graduate License	\$50.00
(4) Biennial Renewal by March 31	\$200.00
(5) Biennial Renewal late fee after April 1	\$100.00 + renewal fee
(6) Reinstatement fee after April 30	\$250.00 + renewal fee

(B) Fees for Veterinary Technicians:

(1) Application for License	\$25.00
(2) Temporary Veterinary Technician License	\$10.00
(3) Biennial Renewal by March 31	\$40.00
(4) Biennial Renewal late fee after April 1	\$10.00 + renewal fee
(5) Reinstatement fee after April 30	\$20.00 + renewal fee

(C) Miscellaneous Fees:

(1) License Verification Fee	\$5.00
(2) Wall Certificate Replacement	\$10.00
(3) Pocket Card Certificate Replacement	\$10.00
(4) Licensee List Request	\$10.00
(5) Returned Check Fee	\$30.00
(6) Walk-in Service Fee	\$25.00

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

This regulation is added to include already established fees in regulation.

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Document No. 4255

BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

120-11. Limited Veterinary Services Facilities; Multiple Practice Facilities; Mobile Veterinary Facilities.
120-12. Veterinary Medicine and Animal Shelters.

Synopsis:

To satisfy the requirements of licensure for veterinary medical professionals, Regulations 120-11 through 120-12 are updated in conformance with the current Veterinary Practice Act.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Instructions:

The following sections of Chapter 120 are modified as provided below. All other items and sections remain unchanged.

Text:

120-11. Limited Veterinary Services Facilities; Multiple Practice Facilities; Mobile Veterinary Facilities.

A. Limited Veterinary Services Facilities. Limited veterinary services facilities shall:

- (1) Adhere to requirements as set forth in Section 120.10(A).
- (2) Establish veterinarian-client-patient relationship.
- (3) Notify the public of available services through a posted "Notice to the Public" prominently posted at sites available to clients, and reference veterinary facilities offering services not available in the facility.

B. Multiple Practice Facilities. Two or more practices occupying the same facility shall post a notice of services provided by each practice.

C. Mobile Veterinary Facilities.

(1) Mobile Veterinary Facilities Defined: Any mobile facility or similar form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services.

(2) Mobile veterinary facilities shall maintain a permanent office location that can be contacted by telephone and other appropriate communication channels.

(3) Telephone, address, fax, and or e-mail contact information shall be prominently posted in a place easily accessible to clients or shall be provided to clients individually in writing.

120-12. Veterinary Medicine and Animal Shelters.

A. The Board does not regulate the activities of shelter owners.

B. Veterinarians who provide services to animals in shelters are not required to keep client-patient records as otherwise required by these regulations.

C. Where a shelter or a licensed veterinarian in conjunction with a shelter provides veterinary services, the licensed veterinarian is subject to requirements as set forth under Section 40-69-30, et seq. and this chapter.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated in conformance with the current Veterinary Practice Act.